



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 20 SEPTEMBER 2010

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 23 August 2010 (previously circulated)
- 3 Items of Urgent Business authorised by the Chairman
- 4 Declarations of Interest

Planning Applications for Decision

Community Safety Implications

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

Category A Applications

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

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|---|------------------------|---|-------------------------------|----------------------|
| 5 | A5 10/00676/VCN | Marlborough Road Garage,
Marlborough Road, Heysham | Heysham
North Ward | (Pages 1 - 5) |
|---|------------------------|---|-------------------------------|----------------------|

Variation of Conditions 2 and 3 on approved application 07/01641/FUL to alter elevations, provide additional car parking and provide private open space to the apartments in the form of balconies to the rear elevations. Removal of Condition 7 regarding occupancy age restriction for Adactus Housing Association Ltd

6	A6 10/00646/FUL	Agricultural Building Field 1563, Wyresdale Road, Quernmore	Lower Lune Valley Ward	(Pages 6 - 11)
		Construction of new access track and a new bridge, top dressing to existing hardstanding adjacent to pond and retention of the new access for Mr Anthony Gardner		
7	A7 10/00392/PLDC	20 Browsholme Close, Carnforth	Bolton-le-Sands Ward	(Pages 12 - 18)
		Proposed Lawful Development Certificate for the erection of an outbuilding for Ms Jane Reid		
8	A8 09/01185/HS	Heysham Power Station, Princess Alexandra Way, Heysham	Heysham South Ward	(Pages 19 - 20)
		Hazardous substances consent for the storage and use of hydrazine, fuel oil, sodium hypochlorite and ammonia for G. Parry-Jones		
9	A9 10/00624/CU	Land at Mossgate Park, Mossgate Park, Heysham	Heysham South Ward	(Pages 21 - 24)
		Change of use of land to form a car park for Rushcliffe Healthcare Ltd		
10	A10 10/00689/VCN	A B C Lancaster (disused), King Street, Lancaster	Duke's Ward	(Pages 25 - 29)
		Variation of condition 17 on application no. 08/01129/FUL to allow the ground floor retail unit to sell convenience goods for Kempsten Ltd		
11	A11 10/00456/CU	Court View House, Aalborg Place, Lancaster	Duke's Ward	(Pages 30 - 34)
		Change of use of ground floor and first floor to further education college for EMBA College		

12	A12 10/00588/FUL	Derby Home, Pathfinders Drive, Lancaster	Scotforth West Ward	(Pages 35 - 42)
		Change of use and refurbishment/extension to the Derby Home building to provide mental health resource centre for Derby Home (Lancashire Care NHS Foundation Trust)		
13	A13 10/00338/FUL	Top Moor Ridding Cottage, The Gars, Wray	Lower Lune Valley Ward	(Pages 43 - 49)
		Erection of detached dwelling in land to the rear for Mr & Mrs John Robinson		
14	A14 10/00725/CU	27 Regent Park Avenue, Morecambe	Harbour Ward	(Pages 50 - 52)
		Change of use from former maisonette to day care centre for children (aged from birth - 2 years) (Use Class D1) for Mr. Martin Shenton		
15	A15 10/00772/FUL	26 Forgewood Drive, Halton, Lancaster	Halton-with-Aughton Ward	(Pages 53 - 56)
		Retrospective application for raising of roof height of existing garage for John Toder		
16	A16 10/00541/FUL	Land at Rear of 85-91 North Road, Carnforth	Carnforth Ward	(Pages 57 - 60)
		Erection of a new dwelling for Mr D Barnes		

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|-----------|-------------------------|--|-------------------------------|------------------------|
| 17 | A17 10/00810/VCN | Christie Park, Lancaster Road, Morecambe | Poulton Ward | (Pages 61 - 64) |
| | | Variation of condition 2 on approved application 09/00281/FUL to amend plans in order to relocate biomass boiler, minor extension to bulk storage area and alteration to service yard for Sainsbury's Supermarkets Ltd | | |
| 18 | A18 10/00802/CU | 2 Old Station Yard, Kirkby Lonsdale, Carnforth | Upper Lune Valley Ward | (Pages 65 - 70) |
| | | Retrospective application for the part change of use of existing vehicle storage and maintenance building to storage distribution and business use for Alan Stephenson and Son | | |
| 19 | A19 10/00542/FUL | 2 Sunny Hill, Westbourne Road, Lancaster | Castle Ward | (Pages 71 - 86) |
| | | Erection of a five bed dwelling house and the formation of a new improved access for Mr D Howard | | |

Category D Application

Application for development by a District Council.

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|-----------|-------------------------|---|--------------------|------------------------|
| 20 | A20 10/00773/DPA | Maritime Museum, St Georges Quay, Lancaster | Castle Ward | (Pages 87 - 90) |
| | | Strengthening works to the third floor of right hand bay to provide for heavy picture racking used for storage of museum items for Lancaster City Council | | |

21 Delegated Planning Decisions (Pages 91 - 98)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Eileen Blamire (Chairman), Joyce Pritchard (Vice-Chairman), Keith Budden, Anne Chapman, Chris Coates, John Day, Roger Dennison, Sheila Denwood, Mike Greenall, Emily Heath, Helen Helme, Tony Johnson, Andrew Kay, Geoff Marsland, Robert Redfern, Bob Roe, Sylvia Rogerson, Roger Sherlock, Peter Williamson and Paul Woodruff

(ii) Substitute Membership

Councillors Jon Barry, Ken Brown, Abbott Bryning, John Gilbert, Janice Hanson, Ian McCulloch, Keith Sowden, Peter Robinson, Joyce Taylor and Malcolm Thomas

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone (01524) 582170, or email memberservices@lancaster.gov.uk.

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

Published on Wednesday, 8 September 2010

<p>Agenda Item</p> <p>A5</p>	<p>Committee Date</p> <p>20 September 2010</p>	<p>Application Number</p> <p>10/00676/VCN</p>
<p>Application Site</p> <p>Marlborough Road Garage</p> <p>Marlborough Road</p> <p>Heysham</p> <p>Morecambe</p>	<p>Proposal</p> <p>Variation of Conditions 2 and 3 on application 07/01641/FUL to alter elevations, provide additional car parking and provide private open space to the apartments in the form of balconies to the rear elevations. Removal of Condition 7 regarding occupancy age restriction.</p>	
<p>Name of Applicant</p> <p>Adactus Housing Association Ltd</p>	<p>Name of Agent</p> <p>Halsall Lloyd Partnership</p>	
<p>Decision Target Date</p> <p>1 October 2010</p>	<p>Reason For Delay</p> <p>None</p>	
<p>Case Officer</p>	<p>Mr Andrew Holden</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

1.1 This site is on the south east side of Marlborough Road within the west end of Morecambe. Until recently the site was occupied by a part single, part two-storey building used for the sale and repair of motorcycles. This has recently been demolished and the site is now cleared with a secure fencing erected around the perimeter. The site is located within a wholly residential area comprising of three and two storey terraced residential properties.

The adjoining site which comprises a long terrace of three/four storey properties has also been demolished and the site cleared awaiting phased redevelopment. Similarly the two storey terraced properties on the neighbouring Bold Street are mainly vacant and currently awaiting redevelopment as part of the wider regeneration scheme identified within the West End Masterplan.

2.0 The Proposal

2.1 The current application is seeking to develop a previously-approved scheme for 12 shared ownership affordable apartments over three storeys approved in March 2008 under 07/01641/FUL but with the following changes: -

- Removal of the over 55's age restriction on occupancy
- Removal of the communal garden area
- Removal of lifts on the rear elevation
- Provision of car parking at a ratio of 1:1
- Provision of private balconies to the rear of each apartment – these are similar in appearance to the walkway structure proposed previously although now extends the full width of the rear elevation
- Relocation of the refuge/cycle storage areas
- Reorganisation of access ramps to the rear entrances

These changes would require the variation of planning conditions 2 and 3 and removal of condition 7 attached to the planning consent, 07/01641/FUL. Condition 2 and 3 relate to the approved constructional details of the scheme and Condition 7 is an age restriction for occupancy limiting the minimum age to 55 years.

The effect of these revisions would still seek to develop a wholly affordable housing scheme, but one that is open to all ages to occupy. The scheme is being developed by Adactus Housing Association in conjunction with Lancaster City Council.

3.0 Site History

- 3.1 The site has a very limited planning history mainly relating to its previous use as a car showroom. The recent and most pertinent consent is 07/01641/FUL which the current application is seeking to vary.

Application Number	Proposal	Decision
07/01641/FUL	Demolition of existing showroom and erection of 12 apartments	Approved March 2008

4.0 Consultation Responses

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

Statutory Consultee	Response
Strategic Housing Officer	<p>Support this application as it is an agreed priority to deliver the West End Masterplan, and given the current market conditions, Adactus envisage that there is insufficient demand to provide designated accommodation for people over 55 and have made amendments to the previous plans accordingly. A recommendation is being made to the Cabinet Portfolio Holder that £90K of the S106 commuted sums is provided to bring forward the delivery of this scheme, given the constraints of the legal agreement entered into between Adactus and Lancaster City Council at the commencement of the West End Masterplan and the resultant downturn in property prices.</p> <p>The support of the Homes and Communities Agencies has also been sought and secured in view of the funding that has been allocated to deliver this scheme, to allow the development to proceed.</p>
County Highways	<p>This application raises no new issues from a highway point of view and the parking provision is restored back to a 1:1 ratio, which had been their preference. Therefore no objections subject to the following conditions: -</p> <p>Condition - Detailed plans and constructional details of the proposed highway widening to be submitted to and approved by the local planning authority in consultation with the highway authority before work commences on site.</p> <p>Standard Condition HW 16 – provision of garages and/or parking facilities</p> <p>Standard Condition HW19 – Cycle storage</p> <p>An advice note regarding dedication of land is required too.</p>
Environmental Health	No objections.
Lancashire Constabulary	<p>No objections to this application, but make the following comments:</p> <p>The location of private balconies at the rear of each apartment will greatly improve the overall natural surveillance of the car parking area. I also note that the parking area has increased in size, with the proposed removal of the communal garden area.</p>

	Previous recommendations for the lighting of the parking area remain the same, in that the parking facilities should be lit to BS5489.
West End Partnership	Members felt that the removal of condition No 7 in particular, to negate the age restriction to the over 55s, went against the fundamental principle within the West End Masterplan of the provision of a mix of tenure for a range of ages. Moreover, residents at the meeting of the 14 th July stated that the addition of a balcony onto each flat had originally been rejected due to the problem of overlooking neighbouring properties (condition No 3).
Morecambe Town Council	Has no objections in principal to this planning application however if it is that condition 7 regarding occupancy age restriction means that they are available to any age group then council would not be in support of this.

5.0 Neighbour Representations

5.1 To date three letters of objection have been received in respect of the proposed development. The main grounds are: -

- loss of privacy from the introduction of balconies to the rear elevation;
- potential misuse of the car parking area for playing football/games etc;
- the balcony position should be on the front elevation, improved outlook for the new occupants.

6.0 Principal Development Plan Policies

6.1 Saved policies in the Lancaster District Local Plan are relevant to the proposal: -

H12, which states that proposals for new housing will only be permitted where they exhibit a high standard of design, layout and landscaping and use materials and features appropriate to their surroundings;

H19, which sets out criteria for considering new housing within the existing built up area of Lancaster, Morecambe, Heysham and Carnforth; and,

R21, which requires appropriate provision for people with disabilities.

6.2 Lancaster Core Strategy Policies SC1, SC2 and SC4 are also relevant to the proposal

SC1 Sustainable Development, seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emission and are adaptable to the likely effects of Climate Change;

SC2 Urban Concentration, seeks to build healthy sustainable communities by focusing development where it will support the vitality of existing settlements, regenerate areas of need and minimise the need to travel. The policy seeks to develop 90% of new dwellings within the main urban area;

SC4 Meeting the District's Housing Requirements, seeks to set out the principles which will ensure the Housing Needs are met through housing allocations and through determining planning application in a way which builds sustainable communities. The policy sets a target of the completion of approximately 60 Affordable homes each year.

6.3 In addition, this site is located within the area covered by the West End Masterplan - Promenade and Battery area (Area 11), which includes it within an area identified for a high level of intervention including remodelling of some properties and demolition/new build.

7.0 Comment and Analysis

- 7.1 The principle of developing housing in this location has already been considered and determined appropriate under planning consent 07/01641/FUL. The approved scheme gained approval for 12 apartments for a shared ownership affordable housing scheme with an age occupancy restriction of 55 years.
- The applicant is wishing to develop an affordable housing scheme in this location and has been a successful partner with the local authority on housing renewal in West End Road and Clarendon Road.
- 7.2 The applicant has indicated that in practice they do not consider that there is not a strong enough market for a specific age restricted accommodation in this location. This is compounded by the current market situation. The current alternative has therefore been developed. This will still provide much needed affordable housing which is to be shared ownership. The removal of the age restriction will not preclude older occupants but will enable the scheme to be more marketable in a climate where housing development of all forms is proving difficult to develop.
- 7.3 The removal of the age restriction has led to a number of revisions to the built form of the scheme, hence the need to vary conditions 2 and 3 as well as seeking to remove the age restriction (Condition 7). The front elevation of the building remains unchanged as does the internal arrangement for the flats. The flat layout providing a good sized two bedded unit with the main living areas to the front and bedroom accommodation to the rear.
- 7.4 The external area has been changed with the revision of the parking spaces in line with the demands of the applicant and future occupiers. The original scheme had a reduced parking area (6 spaces) and a communal garden area. This was considered an appropriate level of parking provision for over 55's. The revised open occupation is considered to demand more parking spaces and the scheme indicates a 1 to 1 provision in addition to cycle parking provision. As a result the garden area is lost and more parking spaces introduced. The level of parking is considered acceptable by the County Engineers and the principle of the provision of off-street parking is actively supported by public opinion in the area.
- 7.5 In order to provide some external amenity space the applicant has revised the scheme to provide balconies to the upper floors which run across the full width of the building. Localised screening has been introduced opposite the entrance doors to the balcony to aid the relationship of the new building to the rear of the properties on Brunswick Road. The distance between the balconies and the main wall of the neighbouring dwellings is 21m. This is the minimum spatial requirements set down in SPG 12 The Residential Design Guide. The rear outriggers are 16m away but do not have windows directly to the rear. There is also a tall boundary wall to the rear of the ground floor yards. The distance is not ideal and would be better to be at a greater distance; however, it is considered that the new scheme is significantly enhanced for the provision of some external areas.
- 7.6 Energy generation has been introduced into the new scheme with the provision of 24 solar panels (4 blocks of six) to the rear roof slope of the building.
- 7.7 So far as the West End Masterplan is concerned, this emphasises the need for family housing rather than flats in order to give the area a more stable population with a long term interest in its future. . However it is to a large extent dictated by the availability of funding; releasing this site for the form of development proposed here will release money for the redevelopment of the adjoining terrace, which will provide family size units, but only if the resources are available. In addition, the size of flats is considered suitable for young families, having a generous sized lounge with kitchen diner together with a good second bedroom. The development of this form of dwelling is also actively supported by Strategic Housing.
- 7.8 Overall, the development is considered to provide well designed, affordable accommodation open to all ages (including over 55's). Support for the scheme will enable the development to progress rapidly and utilise the financial support available this financial year.

8.0 Planning Obligations

8.1 N/A.

9.0 Conclusions

9.1 Subject to modification and application of the appropriate previous conditions, the application should be supported.

Recommendation

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

1. Expiration of consent as 07/01641/FUL – 9 March 2011
2. Amended plans dated 31 August 2010.
3. Development to be carried out in accordance with the approved plans.
4. Samples of materials to be agreed.
5. Contaminated land study to be carried out and any remedial works considered necessary undertaken.
6. Construction to take place only between 08:00 and 18:00 Monday to Saturday no working on Sundays or officially recognised public holidays.
7. External finish to the rear timber screening to be agreed
8. 10% on site energy generation
9. Dwellings to be built to minimum Code 3 sustainable homes.
10. Landscaping to be agreed and implemented.
11. Cycle storage to be provided.
12. Highway construction details to be agreed.
13. Parking spaces to be provided and retained as such.

Human Rights Act

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

Background Papers

None.

Agenda Item	Committee Date	Application Number
A6	20 th September 2010	10/00646/FUL
Application Site Agricultural Building Field 1563 Wyresdale Road Quernmore Lancashire	Proposal Construction of new access track and a new bridge, top dressing to existing hardstanding adjacent to pond and retention of the new access	
Name of Applicant Mr Anthony Gardner	Name of Agent John Rowe	
Decision Target Date 25 August 2010	Reason For Delay Committee Cycle (Deferred for site visit)	
Case Officer	Karl Glover	
Departure	None	
Summary of Recommendation	Approval subject to conditions	

1.0 The Site and its Surroundings

- 1.1 The 13.8 acre (5.58 hectares) site is located on the northern side of Wyresdale Road adjacent to the Listed Conder Mill Bridge in the village settlement of Quernmore. The site at present does not have any buildings or structures located within its curtilage however a base/hardstanding for a recently determined agricultural storage building has been engineered towards the north eastern section of the field. The unit is divided centrally from east to west by a belt of mature hedging and vegetation which provide substantial screening and landscaping. In the north eastern corner of the site there is a recently approved, excavated drainage pond which has two centrally located grassed island features. The topography of the site is predominantly flat however towards the east and south there is an increase in land levels which is bound by a small post and wire fence. The western most part of the land is also bound by a post and wire fence but also by the River Conder which is mostly screened by very large mature trees. The entrance to the site measures 6.4m in width and is made up of a dry stone wall either side of two stone pillars.
- 1.2 The surrounding area is essentially open and rural in character with only two nearby residential dwellings which are located to the west of the site and are known as Heatfield House and Condor Mill Farm. Directly opposite the entrance to the subject site is an access road which leads to Lane End Cottage and Lane End Farm.
- 1.3 The subject land is designated within the Forest of Bowland Area of Outstanding Natural Beauty and is also located within the North West Flood Zones 2 and 3.

2.0 The Proposal

- 2.1 The applicant seeks full planning consent for the construction of a 6.5m x 2.9m wide concrete bridge which is to be located where the existing ford crosses the land with a (approximately) 240m long access track beyond which will follow the existing fence line leading to a recently approved agricultural storage building. The construction of the track will consist of crushed hardcore material at

a depth of 150mm topped off and finished with blue road chippings. The track will measure 2.9m wide overall and will have a 0.75m wide grass strip running the entire length of the track. The applicant also seeks retrospective planning consent to regularise the widening of the entrance on Wyresdale Road which measures 6.4m in width and retains the existing stone pillars with dry stone walls either side. The application also includes an engineering operation to return a section of land to the south of the pond back to its original form by top soiling and seeding a 5m long stone constructed track.

3.0 Site History

3.1 The site has recently been the subject of a number of agricultural determinations and full applications, predominantly as a result of enforcement action being pursued. The site is therefore subject to the following planning history:

Application Number	Proposal	Decision
09/00832/AD	Erection of an agricultural building	Withdrawn
09/00833/AD	Creation of an access road	Withdrawn
10/00267/FUL	Retrospective application for the retention of a pond for drainage of agricultural land and provision of fresh drinking water for livestock	Approved with conditions
10/00332/AD	Prior notification for an agricultural storage building	Accepted
10/00652/AD	Prior notification for the erection of two bulk feed hoppers	Withdrawn
10/00758/AD	Prior notification for the erection of one bulk feed hopper	Accepted

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Lancashire County Highways	No objections to the proposal – A condition is recommended for a 5m hardstanding to be provided from the roadside.
Lancashire County Land agent	No objections to the proposal – satisfied that the track and the bridge are required for the agricultural use on the land and that grass will grow over the track reducing its visibility over time.
Environment Agency	Previous objection has been withdrawn - their ecologist raised no objection to the proposed development in relation to the provision of a bridge over the watercourse to replace the existing ford.
Parish Council	Object to all aspects of the application – stated that the development would have an adverse impact on the Area of Outstanding Natural Beauty and is inappropriate and excessive development.
National Grid	No objections to the proposal however an advice note is recommended in relation to development within 1.5m of nearby gas pipelines.
Environmental Health	No objections to the proposal – Hours of construction condition requested.
Lune Rivers Trust	Object to the proposals – Stated that the access track is unwarranted for the purpose of agriculture, advised that the bridge will require EA consent. At the previous Planning Committee issues were raised in relation to ecology and potential impact upon protected species i.e. Otters, water voles
Lancashire Ramblers	No objections to the proposal.
Tree Protection Officer	Satisfied that no offence had been committed in relation to existing hedgerows following recent complaints that hedgerow had been removed.

Forest of Bowland AONOB	No specific comments on the proposal.
Lancashire County Ecologist	<p>The County Ecologist has visited the application site following their original comments submitted on the application. Confirmation has been provided that the wider habitat appears suitable to support a range of protected and priority species, including otters and badgers. However, the works forming this application should not necessarily impact upon protected species, provided some simple precautionary measures are implemented, such as:</p> <p>1) Works should be carried out during the day only;</p> <p>2) No construction activity/vehicle movements or storage of material within at least 5m of watercourses, hedgerows or other areas of 'natural' vegetation. Obviously in this particular case construction activity will need to pass more closely to watercourses (site of proposed bridge) and hedgerows (existing gap), and appropriate pollution prevention guidelines and tree protection guidelines should be followed in these areas.</p> <p>3) If the presence of protected species is suspected at any time during construction, works must cease and Natural England should be contacted for advice.</p> <p>They are generally supportive of proposals to bridge the watercourse, and thus remove the damaging impacts of vehicles upon the water environment, although there is little clearance between the bridge and the water and this may result in flooding/ flow restriction at this point.</p> <p>A planning condition is required in respect of Himalayan Balsam, which is present within the application area. To avoid committing offences (Wildlife and Countryside Act 1981 (as amended)) the applicant will need to adopt working methods to prevent the spread of this species. It would therefore be appropriate for the applicant to submit a method statement for approval and subsequent implementation detailing the measures that will be adopted for the control of this species.</p> <p>On a more general point, whilst the current proposals might not in themselves result in significant impacts on biodiversity, the apparently piecemeal development of this site may result in cumulative impacts and a more insidious erosion of biodiversity value in this area.</p>
Natural England	Advised that the application site is not within or near to a statutory protected site however there may be potential impacts upon protected species. A desk based study would help to identify which species are known to occur in the area.

5.0 Neighbour Representations

5.1 Seven letters of Objections to the proposed works have been received by nearby residents. The reasons for opposition include the following:

- The widening of the access is not necessary for the agricultural need
- The need of the track for the agricultural purpose
- Legal issues as to the use of the land
- Potential for hedgerow removal
- Potential Impact within the Area of Outstanding Natural Beauty
- Concerns that the development may lead to an agricultural workers dwelling
- Potential impact on the River Condor

6.0 Principal Development Plan Policies

6.1 National Planning Policy Statements (PPS)

PPS7 (Sustainable Development in Rural Areas) sets out the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its

landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

PPS 25 (Development and Flood Risk) requires flood risk to be taken into account at all stages of the development process. PPS25 recognises that flooding cannot be wholly prevented, but its impacts can be avoided and reduced through good planning and management.

6.2 Lancaster District Core Strategy (LDCS)

Policy **SC3 (Rural Communities)** seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements.

Policy **SC7 (Development And The Risk of Flooding)** seeks to build sustainable communities by ensuring that new homes, workplaces and public areas are not exposed to unacceptable levels of flood risk.

Policy **E1 (Environmental Capital)** seeks to improve the districts environment, and resist development which would have a detrimental effect on the environment quality and public amenity.

6.3 Lancaster District Local Plan (LDLP)

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

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

7.0 Comment and Analysis

- 7.1 Lancashire County Council's Land Agent – acting as our rural advisor – has visited the site earlier this year in relation to the other submissions referred to in paragraph 3.1. They advised that the applicant has a sheep enterprise, and that this includes other land at Dolphinholme and Staining, near Fleetwood. This remains the main nature of the agricultural enterprise although it is understood that the applicant has kept chickens. The Land Agent has considered that the works being proposed by the current submission are justified, and so the agricultural principle of development is accepted.
- 7.2 Therefore, there are two key issues for Members to consider; firstly whether the proposal satisfies the criteria set out in LDLP Policy E3 and E4, and in particular whether the proposal is appropriate development within the Forest of Bowland Area of Outstanding Natural Beauty (AONB); and secondly whether the proposal has necessary regard to biodiversity issues.
- 7.3 With regard to compliance with LDLP E3 and E4 it is clear that the wider (parish) locality contains agricultural farming enterprises of varying scale, some of which have visually-dominant buildings and structures. Most farms are seen to adapt to allow each type of agriculture to be carried out and work more efficiently to allow ease of access associated with the day to day operation of each farm. In this instance, as highlighted by the Lancashire County Land Agent, the applicant requires specific development on this unit of land to allow the operation of agriculture.
- 7.4 The widening of the access/entrance will allow tractors and delivery vehicles bringing feed to and from the site to manoeuvre more efficiently and more safely along Wyresdale Road, which is seen to be rather narrow. The entrance will remain the same by reusing the existing materials which are in keeping with the character of the area. The two stone pilasters with rebuilt stone walls either side are not seen to have any adverse impact on the local character and landscape along Wyresdale Road. The galvanised steel farm gates proposed are also seen to be similar to most field entrances found locally within the AONB and thus there is no policy objection from officers.

- 7.5 The proposed bridge (which is to be located approximately 25m from the entrance off Wyresdale Road) is also seen to be an important addition to allow vehicles to pass over the tributary (linked to the River Conder) which at present allows vehicles to drive through when water levels are low. The bridge would prevent contamination and reduce detrimental impact on the watercourse whilst at the same time allow the site to be accessed all year round regardless of water levels. The bridge will remain at the same ground level either side of tributary and has raised no issues with the Environment Agency in terms of impact on the watercourse. The addition of this bridge is not seen to have any harm on the landscape quality and will only be visible when travelling along Wyresdale Road. It is therefore, in our opinion, in accordance with Policy E3 and E4.
- 7.6 5m beyond where the bridge is proposed the applicant seeks planning consent for an access track to be located along the boundary fence line leading to the top end of the field, where it will dog-leg in a north-westerly direction and lead to an agricultural storage building which has yet to be erected (accepted under Agricultural Determination 10/00332/AD). Originally the track was proposed to be 2.9m wide and filled with road planings. To reduce the overall visual impact of this and allow the track to have a more natural appearance within the AONB, amended plans have been submitted showing a 0.75m wide strip of grass down the centre of the entire course of the track, either side of this will be topped off with blue road chippings which have previously been used in Abbeystead on access tracks leading to Dunkenshaw Fell (also within the AONB). A sample of the stone has been provided by the applicant and is seen to be an acceptable material in keeping with the surrounding area.
- 7.7 Along the south eastern bank of the recently approved drainage pond the applicant has constructed a 5m long stone track which is substantially visible when viewed from Little Fell Lane looking over the Lune Valley and can be seen to detract from the natural character of the landscape. As such forming part of the application this stone layered path is to be covered and topped off with soil and is to be grass seeded to allow this section of the bank to be returned to its natural green form. A planning condition will be imposed to this effect and this will restore the appearance of this part of the AONB.
- 7.8 With regards to biodiversity, Members will note the consultation responses from ecological groups and statutory consultees. It is for this reason that the local planning authority contacted the County Ecologist, who has since made a separate visit to the site. They now propose a list of working measures that should safeguard any protected species found within the locality, and the local planning authority is happy to include these measures as a condition. The County Ecologist does make a good point, and it is echoed by some of the neighbouring objectors – that the piecemeal development of the site could have a future, cumulative impact upon biodiversity. Needless to say that the development will continue to be monitored to ensure compliance with planning conditions. The applicant is certainly aware that his actions are being monitored. If there is any unauthorised development in the future, whereby consultees have significant biodiversity concerns, then the local planning authority may resort to pursuing Temporary Stop Notice powers.
- 7.9 With regard to compliance with PPS25 (Development and Flood Risk) as the application site is designated within the North West Flood Zones 2 and 3 it is set out that the land and buildings used for agriculture are considered within Table D.2 of the Flood Risk Vulnerability Classification as a less vulnerable site.

8.0 Planning Obligations

- 8.1 None.

9.0 Conclusions

- 9.1 Whilst the objections and concerns of local residents and the Parish Council are understood, particularly given the retrospective nature of an earlier submission, it is not considered that in practice this development now being proposed would give rise to significant detriment or adverse impact on the surrounding landscape, the nearby River Conder or protected species as clarified by the County Ecologist or the wider Forest of Bowland Area of Outstanding Natural Beauty.
- 9.2 The comments received following a site visit by the Lancashire County Ecologist have been acknowledged and it is therefore recommended that should Members be minded to grant planning

consent then the points raised within the consultees table of this report should be attached as an advice note to advise the applicant of the potential for protected species and how to mitigate any adverse impact during the construction phase.

- 9.3 From all other aspects it is considered that this proposal conforms to the requirements of the policies relating to agricultural development within the countryside and the AONB, referred to earlier in this report and will allow the agricultural enterprise as accepted by the Lancashire County Land Agent to operate more efficiently and with less adverse impact on the existing landscape.

It is considered therefore that this proposal can be supported.

Recommendation

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

1. Standard 3 year time limit
2. Amended plans and proposals
3. Development in accordance with approved plans
4. That the area of banking laid with stone is restored back to its original form and seeded within three months of the date of the permission, and retained as such thereafter
5. A sample strip of the access track measuring 4m in length to be agreed on site
6. Working Measures condition(s) as requested by the County Ecologist
7. Hours of construction – 0800-1800 only with no working on Sundays or Bank holidays

Human Rights Act

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

Background Papers

None.

Agenda Item	Committee Date	Application Number
A7	20 September 2010	10/00392/PLDC
Application Site 20 Browsholme Close Carnforth Lancashire LA5 9UW		Proposal Proposed Lawful Development Certificate for the erection of an outbuilding
Name of Applicant Ms Jane Reid		Name of Agent
Decision Target Date 15 July 2010		Reason For Delay Rise in application numbers
Case Officer		Mr Andrew Holden
Departure		No
Summary of Recommendation		Planning Consent is required for the proposed works.

1.0 The Site and its Surroundings

- 1.1 The application site is located within the rear garden area of a residential property known as 20 Browsholme Close, Carnforth. The dwelling is located within a cul-de-sac of residential dwellings, predominantly two storey detached houses. The rear garden is typical of a modern suburban property with an average depth of 10m and a width of 16m. The detached house is again typical with a footprint of 71sqm (including integral garage) sat in a plot area of 358 sqm.
- 1.2 Land to the rear (north) of the property comprises open pasture owned by the applicant. Direct access is available from the garden of the property into the field. Access on a day to day basis is via a pedestrian gate with a section of removable fencing is available for the movement of horses from the field directly through the domestic curtilage for possible access to a horse box. The applicant owns 21 acres of land which is used for the grazing of sheep along with up to 6 horses. The main access to the fields is to the north off an unmade lane running alongside the former Steamtown.

2.0 The Proposal

- 2.1 This is not a planning application but a Proposed Lawful Development Certificate (PLDC). PLDC applications seek to establish whether a building, use or activity is 'permitted development' under the provisions of the Town and Country Planning (General Permitted Development) Order. If it is considered to be permitted development (and thus, doesn't require planning permission), then a Certificate is granted and the development/use in question can proceed. It is purely a determination based upon whether the proposal is lawful for planning control purposes.
- 2.2 In this particular case the applicant has submitted a PLDC application to clarify whether a detached outbuilding to be used for the stabling of two horses requires the benefit of planning consent or whether it is 'Permitted Development' by virtue of Schedule 2, Part 1, Class E of the above-mentioned Order. Class E relates to the provision within the curtilage of the dwellinghouse of a building required for purposes incidental to the enjoyment of the dwellinghouse as such.
- 2.3 The building is designed wholly for the purpose of stabling two horses. The footprint of the stables is 7.36m X 3.6m (26.5 sqm) with the maximum height of the building being 2.49m to the ridge. The

building is to be built along the eastern boundary of the rear garden 5m from the rear of the house. The stables are constructed of horizontal timber cladding under a profile roof.

3.0 Site History

- 3.1 The property has no history of planning applications directly relating to the dwelling and its garden but two recent applications have been submitted in relation to the development of stabling within the adjacent field.
- 3.2 The property has been the subject of a Householder Development Questionnaire in February 2010 (HHQ07196). The questionnaire sought an opinion as to whether the erection for an outbuilding for the stabling of horses would require the benefit of planning consent. The building was to be erected within the rear garden of 20 Browsholme. The footprint of the building was 7.2m X 3.6m with a maximum height of 2.4m at the ridge. The building was to be erected along the northern boundary of the garden alongside the field boundary.
- 3.3 In February 2010, the Planning Advice Team indicated that it was of the opinion that planning consent was not required for the development of the outbuildings for stabling. It is made clear as part of the response that the letter is an opinion only and if a legally binding determination is required, a Certificate of Lawfulness for a Proposed Development should be applied for.
- 3.4 The current application is such a request, although it must be noted that the current siting of the building differs from that of the householder questionnaire, as do the overall dimensions of the building.

Application Number	Proposal	Decision
09/00793/CU	Erection of 6 stables plus tack room and feed room together with the change of use of agricultural land to form sand paddock for private use only	Withdrawn Sept 2009
10/00012/FUL	Erection of a block of 4 stables for private equestrian use.	Withdrawn January 2010

4.0 Consultation Responses

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

Statutory Consultee	Response
Carnforth Town Council	Although aware of the proposed 'permitted' nature of the development. The Parish wish to raise their concerns over the potential to impact upon neighbouring residential amenity, potential conflict with children and horses, scale of the building in relation to the garden area, and the reduction in garden area following development of the stables and a possible 'PD' conservatory.

5.0 Neighbour Representations

- 5.1 To date 26 letters of objection have been received from local residents to this legal determination. The letters raise objection on the following grounds: -
- That a stable building is not a use that is incidental to the residential use of the dwelling and consequently Class E permitted development (PD) rights do not apply. This approach has been supported on numerous occasions at appeal, including the following example where a stable building was proposed on land adjacent to a dwelling (*DCS Number 100-064-856 - see DC Casebook in Planning, 20 November 2009 - APP/A0665/C/09/2107671*). Whilst in this example, the land was not within the curtilage and consequently the stables required express permission, the Inspector stated that "Even if the land fell within the curtilage ... the scale of the equine use went beyond anything that might reasonably be associated with the enjoyment of the dwellinghouse". The Inspector was clearly of the view that an equestrian use is not incidental to the residential use of a dwelling.

- In the current case, there are two planning units involved - (1) the residential dwelling and its curtilage and, (2) the equestrian land at the rear of the dwelling. The proposed stables are clearly for a use associated with the equestrian land at the rear and are not proposed for a use in association with the residential dwelling. Consequently, they are not for "a purpose incidental to the enjoyment of the dwellinghouse", which is the fundamental test in the case of potential Class E buildings.
- The PLDC must therefore be refused and to allow this application on incorrect legal grounds (including asserting that the stables fall to be considered under Class E - for they do not), would lay the Council open to a legal challenge and/or compensation to local residents following the involvement of the Ombudsman.
- The proposal should be resisted for similar reasons to those of the earlier planning application. The development is visible from the neighbouring public highway. In addition, the stables are not to be used in association/incidental to the enjoyment of the dwelling house.
- The development is a change of use of the land as the stables would be used in association with the field to the rear of the site and not the dwelling.
- Class E ONLY applies to buildings that are, 'incidental' to the residential use of the dwelling. It does certainly NOT apply to all outbuildings, regardless of use. This outbuilding is NOT 'permitted development' under Class E (regardless of its size), as it is not incidental to the residential use of the property (and there are plenty of appeal decisions to support that).
- A stable building that is clearly for use in connection with the equestrian land to the rear is NOT incidental to the residential use of the dwelling (and the applicant pretty much admits this, by stating on the application form that the proposed use is 'other', rather than 'residential')

6.0 Principal Development Plan Policies

6.1 None.

7.0 Comment and Analysis

- 7.1 The application would normally be considered and determined under the scheme of delegation. However, following concerns raised by local residents, Cllr Budden has requested that the application be brought before the planning committee for determination.
- 7.2 The initial submission sought consideration of a development of an outbuilding with a footprint 7.36m x 3.6m but with a maximum height of 3.2m at the ridge. The agent realising the error in the submission revised the submission drawings on 10 June 2010. The details of the building under consideration are those detailed in 'The Proposal' section of the report i.e. with a maximum height of 2.49m at the ridge.
- 7.3 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, Class E – allows for the provision within the curtilage of the dwellinghouse of a building required for purposes incidental to the enjoyment of the dwellinghouse as such. The wording of this legislation is important and is reprinted in full below and on the following page:

Permitted development

Class E. The provision within the curtilage of the dwellinghouse of:

(a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) A container used for domestic heating purposes for the storage of oil or liquid petroleum

gas.

Development not permitted

E.1 Development is not permitted by Class E if:

- (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) The building would have more than one storey;
- (d) The height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;
- (e) The height of the eaves of the building would exceed 2.5 metres;
- (f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (g) It would include the construction or provision of a veranda, balcony or raised platform;
- (h) It relates to a dwelling or a microwave antenna; or
- (i) The capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within:

- (a) A World Heritage Site,
- (b) A National Park,
- (c) An area of outstanding natural beauty, or
- (d) The Broads,

then development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the

dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Interpretation of Class E

- 7.3 **E.4** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse

- 7.4 The outbuilding is not listed or within the curtilage of a listed building, nor is it sited within Area of Outstanding Natural beauty (AONB) land or any of the other protective land designations. The building is located within 2.0m of the boundary and has a height less than 2.5m (2.49m is proposed). On the basis of the criteria laid down with the Permitted Development Order if the building is considered to be for “purpose incidental to the enjoyment of the dwellinghouse as such” the development would be ‘permitted’ and not require the benefit of planning consent.

- 7.5 **The key issue is whether this detached outbuilding is required for purposes which are incidental to the enjoyment of the dwellinghouse as such.** Guidance within the Encyclopaedia of Planning Law and Practice informs that ‘*purpose incidental to the enjoyment of the dwellinghouse as such*’ is a broad concept. Although the building must be “required” for the incidental purpose, it is a matter primarily for the occupier to determine what incidental purpose he/she proposes to enjoy. Whilst a purely commercial purpose would be outside the scope of the permission, a wide range of recreational purposes can be within it. Under Class E.2 (now E.4 under the 2008 amendments) the keeping of livestock is included, and recreational ponies would appear to fall within that definition within the permitted tolerances. Further confirmation that stabling and loose boxes could be for the personal enjoyment of the occupants of the dwellinghouse could be incidental comes from the inclusion of such development within the 1988 General Development Order (and subsequent amendments) following the deliberate exclusion of such development in the previous 1977 General Development Order.

- 7.6 The guidance goes further in acknowledging that whilst the test is whether the building or enclosure is reasonably required for a purpose incidental to the enjoyment of the particular dwellinghouse (as opposed to dwellinghouses in general), the test must retain an element of objective reasonableness (*Wallington v Secretary State for Wales (1990)*).

- 7.7 A further ‘test’ in considering whether a building is incidental is one of scale, and *Emin v Secretary of State for the Environment (1989)* indicated that the physical size of the building *per se* should not determine whether a building is incidental or otherwise, but could be a relevant consideration in that it might represent some index of the nature and scale of the activities. The court also held that the use of a building cannot rest solely on an unrestrained whim but connotes some sense of reasonableness in the circumstances of the particular case. The word “incidental” implies an element of subordination, in land use terms, in relation to the enjoyment of the dwelling house itself.

With these ‘tests’ in mind the applicant was asked a number of questions to help gain an understanding of how the stables were to be used and the relationship of the residential curtilage to the neighbouring field. The questions asked were as follows: -

- 7.8
- a. How many horses do you own?
 - b. How many horses are intended to be stable in the ‘outbuilding’?
 - c. Do you intend to change/rotate the horses that are stabled in the ‘outbuilding’?
 - d. Is the stabling for private or commercial use?
 - e. What is the hectare/acreage of the neighbouring field and what livestock/horses are present on a regular basis.
 - f. Who is to ride/groom the horses stabled at the dwelling house?
 - g. Is it intended to use or alter the current access between your garden area and the neighbouring field for use by horses?
 - h. On a location plan can you identify any other areas, buildings that are use in connection with the horses, tack room, feed stores etc.

The applicant’s agent full response to this request is appended to the agenda item. In short,

7.9 the applicant currently owns 8 horses but intended to only house a gelding and a pony within the stables for the sole private use of the applicant and her daughter. The other horses would not be housed in the stables. These horses are on the adjoining land or on rented land at Nether Kellet. The adjoining fields are use for grazing only of the horses and up to 75 sheep by arrangement with local farmers. Tack is stored in a small shed within the domestic curtilage, along with the horse van on the driveway. Some feed is kept in bins within the curtilage with the main haylage kept at the northern end of the fields, close to the main field access.

7.10 The agent indicates that the arrangement for the storage of tack, food and the horse van have been this way for many years. The two horses that would be accommodated in the stables are those which are used by the two occupiers of the house for recreational purposes are nothing to do with breeding or any other wider equine activity. The agent concludes that it is his view that the stable building is without doubt incidental to the occupation of the dwellinghouse.

7.11 Formal notification of neighbours and Parish Council does not normally occur for this type of application, as it is only seeking a determination from the Local Planning Authority whether planning consent is required for a particular development and not the views of local residents etc. In this instance a number of residents have given their views without formal consultation, as has Carnforth Town Council. Many of the comments relate to the planning merits or otherwise of the development but a planning appeal case has also been cited which questions whether the development is incidental to the use of the dwellinghouse and therefore the need for planning permission is raised.

7.12 The planning case is appeal ref APP/A0665/C/09/2107671 relating to the development of a stable building (11m X 5.5m) on land adjacent to a dwelling known as Newlyn, Suaghall, Chester. The area of consideration was to whether land formed part of the domestic curtilage of the dwelling and as such whether stable development would be regarded as incidental to the use of the dwellinghouse as such. In upholding the enforcement notice to remove the building, the Inspector concluded that the development was not within the domestic curtilage of the dwelling and therefore required consent. He also made reference that if the stable had been within the domestic curtilage, the scale of equine development seemed to go beyond that which may reasonably be associated with the enjoyment of the dwellinghouse. This statement has been ceased upon by neighbours and they echo the comments that the current application is also of a scale that goes beyond that which may reasonably be associated with the enjoyment of the dwellinghouse. However, the statement appears to have been taken in isolation by the objectors and regard needs to be taken as to the context of the Inspector's views. In this appeal case, the site already had a large stable building capable of re-use for stabling, a ménage was also present and the enforcement notice related to a larger building which house two stables and hay store. However, the overall plot was substantially greater than the current application site.

7.13 The Inspector, in reaching his decision, had regard to the concept of reasonableness, scale and intensity and these principles would need to be applied to this proposal rather than a strict interpretation that no equestrian use could be incidental to the enjoyment of the dwellinghouse as appears to be the interpretation of the neighbours.

7.14 Each application must be considered on its individual merits as a matter of fact and degree but taking into account the principles identified above. The applicant has indicated that the driveway is already used for the permanent parking of a horse van, a small shed in the garden is used as a tack room and feed bins are located within the curtilage of the house. In addition, the property has a direct and regularly used link to the adjoining fields. Whilst the field clearly has an agricultural use associated with the grazing of sheep, this function is not one directly undertaken by the applicant and the fields also provide for the grazing and nurturing of the applicants' horses.

7.15 The building is not unduly large within the context of a domestic garden area, (equivalent to a generous single garage in footprint), however, in this case the rear garden is relatively small and the development will occupy approximately 17% of the rear garden in a location where the garden is at its longest within the plot.

It is noted that the applicant has indicated that the use of the stabling will be for the housing of the applicant's own horses and for personal use of the occupants of the dwellinghouse. However, the scale of the building together with the existing equine related elements within the domestic curtilage and adjoining fields is considered to be to go beyond that which may reasonably be associated with the enjoyment of this modest domestic property located within a modern urban housing estate. As

such the proposal is not considered to be 'incidental to the use of the dwellinghouse as such' and would require the benefit of planning consent.

8.0 Planning Obligations

8.1 N/A.

9.0 Conclusions

9.1 It is considered that the development in the form proposed would not be incidental to the use of the dwellinghouse as such and by virtue of The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, Class E would require the benefit of planning consent.

Recommendation

That Planning Consent **IS REQUIRED** for the proposed works.

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.

<div>Agenda Item</div> <div>A8</div>	<div>Committee Date</div> <div>20 September 2010</div>	<div>Application Number</div> <div>09/01185/HS</div>
<div>Application Site</div> <div> Heysham Power Station Princess Alexandra Way Heysham Morecambe </div>	<div>Proposal</div> <div>Hazardous substances consent for the storage and use of hydrazine, fuel oil, sodium hypochlorite and ammonia.</div>	
<div>Name of Applicant</div> <div>G. Parry-Jones</div>	<div>Name of Agent</div>	
<div>Decision Target Date</div> <div>9 March 2010</div>	<div>Reason For Delay</div> <div>HSE Consultation</div>	
<div>Case Officer</div>	<div>Mr Daniel Ratcliffe</div>	
<div>Departure</div>	<div>No</div>	
<div>Summary of Recommendation</div>	<div>Approval</div>	

1.0 The Site and its Surroundings

- 1.1 The site which is the subject of this application is the Heysham Power Station complex.

2.0 The Proposal

- 2.1 The application seeks consent for the storage of a number of hazardous substances within various locations on the site. For security purposes the precise locations are not divulged. The substances named are Hydrazine, Ammonia, Sodium Hypochlorite and petroleum products such a Gas Oil.

The application states that since 2005, Heysham Power Stations have been registered with the Health and Safety Executive under the Control of Major Accident Hazard Regulations (COMAH) as a lower tier COMAH site for the storage of the substance described above.

The need for the Hazardous Substances consent was overlooked at the time because the site is a licensed Nuclear establishment. The need for Hazardous Substances Consent has subsequently been identified by the Health and Safety Executive.

3.0 Site History

- 3.1 None relevant to this proposal.

4.0 Consultation Responses

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

Statutory Consultee	Response
Natural England	No objections
Health and Safety Executive	No objections subject to conditions and generic advice. A copy of the HSE's letter will be sent to the applicant should the application be approved.

5.0 Neighbour Representations

5.1 None.

6.0 Principal Development Plan Policies

6.1 There are none that directly relate to the proposal.

7.0 Comment and Analysis

7.1 There are obviously considerable risks associated with existing forms of storage and uses at the Heysham Power Station Complex. The main consideration here is that the Health and Safety Executive have assessed the risks involved with the proposal and have confirmed there are no objections. From a local authority planning perspective, there are no additional health and safety considerations beyond this. From a land use perspective, the site is considered appropriate for the storage of substances.

8.0 Planning Obligations

8.1 None

9.0 Conclusions

9.1 The application is recommended for approval subject to conditions requested by HSE being added to any decision.

Recommendation

That Hazardous Substance Consent **BE GRANTED** subject to the following conditions:

1. The hazardous substances shall be stored and used in accordance with the particulars provided on the application form and the areas shown on the approved plans, and shall not be used or stored outside those areas at any time.

Human Rights Act

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

Background Papers

None.

Agenda Item A9	Committee Date 20 September 2010	Application Number 10/00624/CU
Application Site Land At Mossgate Park Mossgate Park Heysham Lancashire	Proposal Change of use of land to form a car park	
Name of Applicant Rushcliffe Healthcare Ltd	Name of Agent Mellor Architects	
Decision Target Date 13 August 2010	Reason For Delay Rise in application numbers	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Temporary permission	

1.0 The Site and its Surroundings

- 1.1 The 0.183 hectare application site is located between Emmaus Road and Middleton Way in Heysham. It forms part of the development site for the new health centre (09/00668/FUL).
- 1.2 The local environment around the site has a number of different uses. Between the approved health centre and the approved sports facilities is a County Youth Centre and Heysham Methodist Free Church, whilst north of the health centre are two tennis courts. On the opposite side of Middleton Way is an existing health facility with another church and public house further to the north. However, the predominant use in the area is residential.
- 1.3 The section of the site enclosed by Middleton Way and Emmaus Road is allocated as Urban Green Space and Outdoor Playing Space.

2.0 The Proposal

- 2.1 The application seeks planning permission for a car park with 49 spaces between part of the approved health centre and Emmaus Road. Access to the proposed car park would be from Middleton Way via Emmaus Road.
- 2.2 The car park would have a flat, tarmacadam finish with standard white lining.

3.0 Site History

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

Application Number	Proposal	Decision
09/00668/FUL	Erection of a medical centre, indoor sports centre with associated accommodation, flood lit outdoor sports pitch and associated car parking	Approved

10/00007/VCN	Variation of Condition 39 on planning permission 09/00668/FUL to permit the removal of the existing bowling greens prior to the provision of the new bowling greens	Approved
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4.0 Consultation Responses

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

Consultees	Response
County Highways	The design and access statement indicates that this would be an interim arrangement for car parking at the site pending construction of the second phase of building work at the Primary Care Centre. It could be argued that if only the initial build stage is to be carried out in the short term, there would not be a requirement to provide the full parking provision previously approved for the site as a whole. However, given that this is to be a temporary arrangement and the car park will be removed on when the second phase is built there is no objection, particularly as experience indicates that parking demand at health centres tends to be high.
Heysham Parish Council	No comments received during the statutory consultation period.

5.0 Neighbour Representations

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

6.0 Principal Development Plan Policies

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

PPS 1 (Delivering Sustainable Development) - provides generic advice for all new built development Including the encouragement of sustainable modes of transport, which is echoed in PPG 13 - Transport.

PPG13 (Transport) - provides a national planning policy framework for transport matters. It encourages sustainable travel - ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments, but also through the implementation of Travel Plans.

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

Policy **R21** (Access) - requirement for new development to provide access for people with disabilities.

6.3 Lancaster District Core Strategy - adopted July 2008

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

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

Policy **E2** (Transportation Measures) - This policy seeks to reduce the need to travel by car whilst

improving walking and cycling networks and providing better public transport services.

7.0 Comment and Analysis

7.1 Highways and Parking

The health centre application was submitted (09/00668/FUL) with the expectation that a number of local doctors' surgeries would be located within the building, along with some additional health facilities. However, the applicant to date has not had the interest that they had hoped, and as a result only half the building is required at this time. Therefore the applicant does not wish to build the "east wing" of the approved building, but instead provide 49 car parking spaces in its place.

The Highway Authority is sympathetic to the idea of providing the overspill car park in this location on a short term basis of 2 years (rather than behind the Heysham Methodist Free Church as approved under 09/00668/FUL) despite the fact that roughly half of the health centre's accommodation is not being provided. In total 94 car parking spaces would be provided, plus a further 10 mobility spaces, which equates to the number of spaces approved for the whole health centre. Though this far exceeds County's requirements for the reduced development, they are clearly supportive of the proposal as can be seen in their consultation response.

However, it must be conditioned that the overspill car park approved under 09/00668/FUL is not also implemented and brought into use, otherwise the health facility would be significantly over-provided with car parking. Furthermore, there is no detail on the drawings or in other parts of the application of how the applicant proposes to "police" the area between parking spaces nos. 39 and 40 as there is the potential for an additional 11 spaces to be provided in this gap, which again would push the number of spaces over the agreeable limit. The detail of this area must be agreed with the Local Planning Authority prior to commencement, so a condition will be required in this regard.

The overspill car park would be provided to serve Phase 2 of the development, the omitted "east wing", at such time as there is demand for the additional health accommodation.

7.2 Design

Whilst the principle of the car park is acceptable in the short term, there are details that have been omitted from this application which must be resolved to the satisfaction of the Local Planning Authority. The omission of the "east wing" of the health centre means that part of the central part of the building will now have an external façade where before it was connected into the part of the development that is to be left until a later phase. It is important that the details of this elevation are agreed with the Local Planning Authority prior to work commencing.

7.3 Open Space

The site is allocated as Urban Green Space and Outdoor Playing Space. However, there are 2 permissions already in place that deal with this particular issue. Firstly, the health centre (09/00668/FUL) has approval to be constructed in this location with the children's play space being located a short distance away to the north, and secondly, the 2 bowling greens (09/00776/FUL) have been relocated to a nearby site.

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

9.1 The proposed scheme would provide the same number of car parking spaces as the approved scheme (09/00668/FUL) though it would only serve half the development. Despite this, the Highway Authority is supportive of the proposal, though only on a temporary basis of 2 years. In light of this, temporary permission is recommended subject to the conditions listed below, which pick up the points raised in Section 7.

Recommendation

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

1. Standard 3 year timescale
2. Temporary permission - use for 2 years
3. Works to accord with plans
4. Overspill car park permitted under planning permission 09/00668/FUL to the rear of Heysham Free Methodist Church on Emmaus Road shall not be constructed or brought into use whilst the temporary car park hereby approved remains in use.
5. East elevation of health building - details required prior to commencement
6. Surface treatment between car spaces nos. 39 and 40 on the approved plan to prevent parking - details required prior to commencement

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 20 September 2010	Application Number 10/00689/VCN
Application Site A B C Lancaster (disused) King Street Lancaster Lancashire	Proposal Variation of condition 17 on application no. 08/01129/FUL to allow the ground floor retail unit to sell convenience goods	
Name of Applicant Kempsten Ltd	Name of Agent Phil Robinson	
Decision Target Date 7 October 2010	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approved	

1.0 The Site and its Surroundings

1.1 The application site is located on the corner of King Street and Spring Garden Street. The old cinema building and bingo hall was constructed of red brick with faience panels to the King Street façade. The Spring Garden Street elevation was of solid brick, and was only broken up by a billboard.

Both King Street and Spring Garden Street are one-way roads, with the former forming part of the city's gyratory systems.

1.2 On the opposite side of Spring Garden Street is a small, surface public car park, and diagonally across King Street lies the cobbled and 'tree-scaped' triangular area known as Queen Square.

The properties visible from the site to the west and south are predominantly 3-4 storey Georgian terraces built in the eighteenth century with traditional stone and large sash windows. The properties immediately to the north of the site along King Street, that form a 2-storey terrace that arcs round into Common Garden Street, are inter-war construction.

Though there are numerous Listed buildings in the vicinity of the site, there are no Listed buildings actually adjacent to the site.

1.3 The site falls within the City Centre Conservation Area and within the City Centre as defined by the Local Plan in relation to retail development and uses.

2.0 The Proposal

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

"Notwithstanding the provisions of the Town & Country Planning Use Classes Order 2005 (or any other order revoking or re-enacting that Order), the use of the ground and first floors (with the exception of the hotel lobby) shall be limited to Use Class A1 (non-food) and shall not be used for

any other purpose without the express consent of the local planning authority."

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

2.2 It is proposed to remove the "non-food" restriction on the approved retail space at ground floor, so the accommodation would have a non-restrictive A1 use.

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

3.0 Site History

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

Application Number	Proposal	Decision
08/00146/CON	Demolition of existing bingo hall and cinema complex	Approved
08/01129/FUL	Construction of a 6-storey development with A1 retail use at ground and first floors with a 115 bedroom hotel at second to fifth floors	Approved
09/00628/VCN	Variation of Condition 17 to allow open A1 use of the ground and first floor retail space	Withdrawn
09/00787/VCN	Variation of Condition 24 to allow operations or activities within the ground and first floor retail space between the hours of 06.00 and 23.00 without the prior approval of the Local Planning Authority	Approved
09/01109/VCN	Variation of Condition 17 to allow open A1 use of the ground and first floor retail space	Refused
09/01148/VCN	Variation of Condition 17 to allow A4 use in Unit 4	Approved
10/00170/VCN	Variation of Condition 17 to allow C1 use on the first floor	Withdrawn
10/00545/VCN	Variation of Condition 17 to allow B1 (Office) use on the first floor	Approved

4.0 Consultation Responses

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

Consultees	Response
County Highways	<p>Similar proposals have previously been opposed by County Highways for use of the ground and first floors of this proposed building for food retail, on the basis of the impact of service vehicles on the gyratory system in Lancaster and also the issue of servicing arrangements in Spring Garden Street.</p> <p>This latest application seeks to utilise the ground floor only for "convenience goods" (including food retailing). Whilst County's preference would be to restrict the A1 retail use to non-food at this location, it is accepted that this application represents a significant reduction in the potential sales area, and on that basis they feel that they could not reasonably object to this latest proposal providing it is clear that the permission relates only to the ground floor retail sales area, and limits the amount of floor area for food item sales to the 280 sq.m (as proposed by Mouchel in their Policy Compliance Statement submitted in support of the application).</p> <p>However County require some strong controls on how the servicing to the premises will operate, along the lines of the measures suggested in the Policy Compliance Statement, and therefore require the following conditions:</p> <p>1) All servicing of the development hereby approved shall take place from the loading bay provided in Spring Garden Street under the S278 agreement between the</p>

	<p>applicant and the highway authority. Under no circumstances shall servicing take place from King Street at any time. Reason – In the interests of highway safety and convenience and to ensure congestion in the gyratory traffic system in Lancaster is not exacerbated by the development.</p> <p>2) Prior to the first use of the development hereby permitted, a Servicing Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the highway authority. The plan shall be implemented immediately on opening of the development hereby permitted. Reason - to ensure that servicing of the retail element is actively managed to minimize impact on the surrounding highway network.</p>
Police	No objections.
Environmental Health	No objections.

5.0 Neighbour Representations

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

6.0 Principal Development Plan Policies

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

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

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

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

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

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

6.3 Lancaster District Core Strategy - adopted July 2008

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

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

7.0 Comment and Analysis

- 7.1 On the 2008 application (08/01129/FUL) for the new development County Highways required a restrictive A1 use for the ground and first floor because the development was being serviced from an on-street service bay, when normally they would require 2,000 sq.m of retail space to be served from an on-site service yard. They required this restriction so as to limit the number of deliveries, as food

retailing generally attracts more daily deliveries than other retail occupiers. Their concern related to the operation and safety of the highway network, including the foot and cycle paths. Firstly, if too much demand was placed on the on-street service bay, vehicles could end up queuing along Spring Garden Street waiting for the bay to become available, during which time they could be blocking an important bus route. Secondly, in order to manoeuvre the delivery vehicle into the service bay and then to unload the vehicle into the unit (across and along the pavement), County had concerns about the safety of pedestrians and cyclists. For these 2 reasons, County sought to restrict the type of goods sold from the retail accommodation to non-food items.

7.2 It should be noted that following the approval of 10/00545/VCN to change the use of the first floor accommodation from retail to office use, the overall amount of retail floorspace has effectively been halved. This in itself reduces the likely pressure on the on-street service bay as the deliveries associated with an office use are deemed to be significantly less than those associated with retailing.

7.3 Further to the withdrawal of 09/00628/VCN and the refusal of 09/01109/VCN, the applicant has sought to address the concerns raised by both the Planning and Highway Authorities.

This latest application seeks to utilise part of the ground floor only for "convenience goods" (i.e. food sales). Whilst it would be County's preference to restrict the A1 retail use to "non-food" at this location (for the reasons set out in 7.1 above) it is accepted that this application represents a significant reduction in the potential sales area. On this basis they feel that they could not reasonably object to this latest proposal providing it is clear that the permission limits the amount of floor area for food sales to the 280 sq.m as proposed by Mouchel in their Policy Compliance Statement submitted in support of the application.

7.4 However, to support the scheme the Highway Authority requires some further controls on how the servicing to the premises will operate, and therefore require the two suggested conditions listed in the table under Paragraph 4.1 of this report.

7.5 Though 2 previous applications that sought to remove the restrictive "non-food" element of the A1 use were unsuccessful, the applicant has addressed County Highway's concerns and therefore the current application can be supported.

8.0 Planning Obligations

8.1 The 08/01129/FUL permission was granted subject to the applicant entering into a Section 106 (s106) agreement requiring 3 payments for:

- Improvements to the Conservation Area
- A toucan crossing across King Street to Queen Square
- Improvements to the cycleway network in the vicinity of the site

The applicant has signed the s106 agreement and is already making the relevant payments in accordance with the agreed timetable.

9.0 Conclusions

9.1 For the reasons set out above, the variation to Condition 17 to allow part of the ground floor of the development to be used for food retailing is acceptable.

Recommendation

That Condition 17 of Planning Permission 08/01129/FUL **BE VARIED** to allow open A1 use on part of the ground floor subject to the following conditions:

1. A1 food retailing be limited to 280 sq. m (net)
2. All servicing of the development shall take place from the loading bay provided in Spring Garden Street
3. Servicing Management Plan - details and written agreement required prior to first use or occupation

Human Rights Act

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

Background Papers

None

Agenda Item	Committee Date	Application Number
A11	20 September 2010	10/00456/CU
Application Site Court View House Aalborg Place Lancaster Lancashire	Proposal Change of use of ground floor and first floor to further education college	
Name of Applicant EMBA College	Name of Agent MCK Associates Ltd	
Decision Target Date 5 July 2010	Reason For Delay Resolving transport related issues	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The application site is situated on the east side of Lancaster City Centre between the Magistrate's Court and Lancaster Canal. Vehicular and main pedestrian access to the site is gained from Quarry Road.

The property is known as Court View House. It forms part of the Aalborg Place scheme along with Mill View House, developed by Persimmon. It is predominantly a residential development.

- 1.2 The site falls within an area designated as Lancaster Central Parking Area and a Housing Opportunity Site. The canal forms a County Biological Heritage Site.

2.0 The Proposal

- 2.1 The application seeks planning permission to change the use of the vacant ground and first floor space that currently has permission to be used as an office and restaurant. It is proposed to use the space for educational purposes (D1 use) with a lecture room, seminar rooms, a library, a common room, a number of offices, a meeting room, 2 reception areas and toilet facilities. .
- 2.2 The ground floor (A3 restaurant/café) space measures 350 sq.m with the first floor (B1 office) space providing a further 570 sq.m. It is proposed to use all 920 sq.m of this combined space for the purposes set out in 2.1 above.
- 2.3 The site has vehicular and pedestrian access from Aalborg Place, off Quarry Road. The commercial floorspace has been allocated 4 car parking spaces within the building, though there are nearby short term car parks at Thurnham Street and Bulk Street. The nearest bus stops are on Common Garden Street and South Road, with the train station a 5-10 minute walk away across the city centre.

3.0 Site History

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

Application Number	Proposal	Decision
02/00848/FUL	Erection of 139 apartments, public house/cafe (A3/A4 use), office accommodation (B1 use) and associated parking	Permitted

4.0 Consultation Responses

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

Consultees	Response
County Highways	<p>They comment that the site is within the city centre Controlled Parking Zone and that on street parking in the immediate vicinity of the site is adequately controlled. They note that only 4 spaces within the existing car park are allocated for the proposed use, although the application does not go into any detail as to how this is enforced.</p> <p>The impact of traffic and parking in and around Aalborg Place would therefore not be significant. However, they are concerned about the proximity of the site to the relatively nearby Moorlands residential area, which is already under pressure from commuter parking. This is only a relatively short walk from Aalborg Place and would be likely to attract parking by staff and students who do not choose to travel by other modes and seek to avoid the charges associated with the car parks in the area. The application states up to 175 students may be on site at any given time and it is their view that this could add significantly to parking demand in the Moorlands area, further adding to the problems of the residents in that zone. Whilst it is noted that a Travel Plan has been submitted by the applicant to promote alternative modes of transport, it does not alleviate their concerns. However, the solution identified is the introduction of a "residents only" parking scheme in the residential area of Moorlands, and therefore they request a contribution of £10,000 towards this measure.</p>
Access Officer	In general the proposed seems to comply with Approved Document M of the Building Regulations, but the Officer provides the applicant a list of advisory points to improve accessibility.

5.0 Neighbour Representations

5.1 18 pieces of correspondence have been received objecting to the proposal. The reasons given include:

- increased noise from loitering students, especially at night due to evening lectures
- pollution from students smoking in the courtyard area adjacent to residential properties
- litter problem would result
- traffic congestion and parking problems
- education is an inappropriate use – apartments sold with the understanding that the space would be used as offices and a restaurant
- security concerns with the number of people coming and going
- over-provision of educational facilities in and around the city
- concerns regarding waste management - improper use of bins
- the college would devalue the adjacent apartments

6.0 Principal Development Plan Policies

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

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

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

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

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

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

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

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

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

6.3 Lancaster District Core Strategy - adopted July 2008

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

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

7.0 Comment and Analysis

7.1 Educational Use

The college seeking to use the vacant space would have a total enrolment of 500 students, with 150-175 students studying at any one time. In addition, there would be a staff team of 12 (10 full time and 2 part time). The proposed hours of use are 08.30 to 18.00 on Monday to Friday.

Locating an educational use on the edge of the defined city centre is appropriate. Due to the proximity of the proposed college to the existing city's facilities, such as public transport, library, cafes and shops, the students would be able to walk between the various services. Therefore, the proposal is sound in terms of geographical sustainability.

7.2 Transportation

The key problem related to this proposal relates to parking. Despite its city centre location with good transport links, the likelihood is that with up to 190 people using the premises on a daily basis during the working week, a reasonable proportion of them will still travel to the site by car. With only 4 on site car parking spaces allocated to the premises, this would push car users into the adjacent car parks. However, the car parks in the immediate vicinity are short term car parks with higher charges. It is therefore unlikely that students and some staff would be willing to pay for parking and would utilise the local residential streets, which already suffer from commuter parking. This is especially true in the Moorlands area, and (to a lesser degree) in the Primrose area. Though the applicant has submitted a Travel Plan with the application that seeks to encourage staff and students to utilise sustainable modes of transport, County Highways have serious concerns relating to this proposal in relation to parking, and therefore recommend that a planning contribution is sought (see Section 8 of this report).

7.3 Noise

The concerns raised by neighbours relate predominantly to the number of people that would be using the space, especially compared to the permissible uses (office and restaurant) and the noise that they would generate. Though the movement and the congregation of students and staff would generate some noise, this should be considered with the context of background noise from a city centre location. The level of noise associated with the proposed use would be noticeable but likely to be within tolerance levels for the adjacent residential properties. Furthermore the educational use would be limited to opening hours of 08.30 to 18.00 on Monday to Friday, generally the noisiest parts of the day.

7.4 Security

Other residents were concerned about security. With large numbers of people coming and going, it is unlikely that residents would know who has a legitimate reason to be in and around the building, and who has not. Whilst this is a concern, the same would also be true if the current permission for the restaurant use was implemented. It could also be argued that this people movement creates natural surveillance and therefore increases safety and security.

7.5 Design

In terms of design, it is proposed to use the existing building with few external changes. The alterations would be to the internal layout, with the installation of partition walls to create rooms for different uses (offices, reception area, staff facilities, lecture theatre). The only external changes relate to doors and windows where it is proposed to remove the temporary boarding and implement the previously approved scheme. Though the application site is not situated within a Conservation Area (a Heritage Asset), the City's Conservation Area boundary abuts the site. The proposal would positively affect the setting of the Heritage Asset by removing the boardings and complete the external finishes to the Aalborg Place development as per the approved drawings of the 2002 application.

8.0 Planning Obligations

- 8.1 As discussed above, with up to 190 people being on site at any one time and only 4 allocated car parking spaces, local car parks and roads will come under pressure. Though some people attending the facility will travel by other modes of transport other than car, and some travelling by car will use the nearby car parks, it is likely many will seek free parking on 'unrestricted' local roads. Many of these roads are already under pressure from commuters parking their vehicles during the working week. Though County Highways initially objected to the proposal, it is felt that on balance the application can be supported as a solution has been identified. To alleviate County's concerns a "residents only" parking scheme would need to be introduced in the residential area of Moorlands, and therefore County has requested a contribution of £10,000 towards this measure.

9.0 Conclusions

- 9.1 Using the empty premises within Aalborg Place for an educational use is appropriate. It is located close to other city centre facilities, reducing the number of additional trips. However, despite the train and bus services, and the cycle routes that serve the city, the proposed college is likely to generate a number of car trips. With the nearby car parks being short term only with higher associated charges it is very likely that some students and staff will park on-street in the neighbouring residential areas. Additional pressure will be put upon these areas, especially within the residential area of Moorlands.

Therefore, the application is supported subject to a commuted sum of £10,000 towards the introduction of a residents-only parking scheme in the residential area of Moorlands and relevant conditions.

Recommendation

That Planning Permission **BE GRANTED** subject to the signing of a s106 agreement covering:

1. £10,000 contribution towards the introduction of a residents only parking scheme in the residential area of Moorlands

and the following conditions:

1. Standard 3 year timescale
2. Development to accord with plans
3. External finishes - to be provided as per the approved drawings of planning permission 02/00848/FUL
4. Hours of use - 08.30 to 18.00 Monday to Friday
5. Travel Plan - details and written agreement required prior to commencement
6. Parking strategy - details and written agreement required prior to commencement
7. Refuse storage - details and written agreement required prior to commencement

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>20 September 2010</p>	<p>Application Number</p> <p>10/00588/FUL</p>
<p>Application Site</p> <p>Derby Home</p> <p>Pathfinders Drive</p> <p>Lancaster</p> <p>Lancashire</p>	<p>Proposal</p> <p>Change of use and refurbishment/extension to the Derby Home building to provide mental health resource centre.</p>	
<p>Name of Applicant</p> <p>Derby Home (Lancashire Care NHS Foundation Trust)</p>	<p>Name of Agent</p> <p>Mr Paul Walton</p>	
<p>Decision Target Date</p> <p>11 August 2010</p>	<p>Reason For Delay</p> <p>Committee cycle and increase in planning applications</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>None</p>	
<p>Summary of Recommendation</p>	<p>Approval subject to conditions</p>	

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application forms part of the Pathfinders Drive complex off Ashton Road, Lancaster, which has been used for some considerable time by the Lancashire Care NHS Foundation Trust (LCFT). The LCFT complex is accessed off the western side of Ashton Road, close to the junction onto Cherry Tree Drive, south of the built-up area of the city. The complex consists of a number of buildings, included two converted listed barns. The Oaklands Unit is situated in the south western corner of the site bound by agricultural land to the south and west. North of the Oaklands Unit is a vacant stone building known as Derby Home (the application site); this building occupies a prominent and elevated position within the complex with North and East Barns situated to the east of the site at a lower level fronting Ashton Road.
- 1.2 Derby Home is a rather imposing three story (with basement) stone under slate building of considerable architectural merit. The building was constructed circa 1920 and as such consists of traditional pitched roofs with parapet gables with architectural details such as stone window surrounds, quoins, finials and cast iron rainwater goods. At some point in history, the building has been extended in the form of a rather inappropriate flat roof extension to the side, which has been carried out in similar materials but is of no design value. Notwithstanding the design and form of the building, the property has regrettably been vacant for quite a significant time and is now in need of restoration.
- 1.3 The Pathfinders Drive site relates to the former Royal Albert Site and is therefore unallocated in the Lancaster District Local Plan proposals map. Surrounding the site, beyond a small allocated housing opportunity site, land to the north and east enjoys protected Urban Greenspace and Key Urban Landscape designations. This area extends up to the south boundary of Haverbreaks Estate. Whilst the application property is not listed, there are listed buildings within the site complex.

2.0 The Proposal

2.1 The planning application is in two parts:

1. The change of use of the property to a D1 (non-residential institution) use class to provide a mental health resource centre.
2. Various external alterations and extensions.

The external alterations and extensions consist of the following:

- Replacement of all windows and doors
- The construction of a ramp access to the front elevation
- Infilling of a covered area to the north elevation to provide increased internal accommodation
- The erection of two small extensions; one to the south west elevation of the original flat roof extension to provide an enlarged lounge/dining area which amounts to 27 square metres; and a smaller two storey extension to the west elevation to provide a lift shaft for suitable disabled access to the first floor. This amounts to 19 square metres.
- Refurbishment and re-roofing of the original flat roof extension, involving a new hipped roof and alterations to the fenestration to better relate to the character and appearance of the existing building.
- External landscaping to provide 12 additional car parking spaces (including 3 Disabled parking bays).

2.2 The proposed development forms part of the NHS Trust's ongoing scheme to improve and rationalise the mental health care service within the district. This included the recent approval for extensions to the existing Oaklands Unit at the Pathfinders site determined by Committee on the 15 March this year. As a consequence of the reorganisation of the Oaklands Unit, it has meant that the Community Mental Health Team (based at Oaklands) needs to be relocated, along with additional and improved outpatient facilities for older adults, including a day care and memory clinic. These services are to be provided in Derby Home as part of this proposal.

2.3 The application has been supported with a series of supporting documentation including an Arboricultural Implication Assessment, Bat Survey, Planning Statement, Transport Statement and a Travel Plan. The content of these documents will be discussed in the analysis section of this report.

3.0 Site History

3.1 The following applications are relevant to the Pathfinders site:

Application Number	Proposal	Decision
97/00885/OUT	Demolition of various (unlisted) buildings, Outline application for creation of new access, conversion of various (Listed) buildings to form offices for Priority Trust and Erection of Continuing Care Unit for the Elderly	Permitted
98/00122/REM	Reserved Matters Application for demolition of various (unlisted) buildings, new access, conversion of Listed Buildings to form offices for Priority Trust and erection of Continuing Care unit for the Elderly	Permitted
98/00123/LB	Listed Building Application for alterations and extensions to former barns to form offices for Lancaster Priority Trust	Permitted
10/00046/FUL	Refurbishment and alterations of existing building and construction of new access road to create an in-patient adult unit (Use Class C2) with Section 136 suite, a facility for police to use should they believe someone needs immediate care and assessment in a safe environment (Use Class C2A)	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objection in principle, however there are concerns about the proposed level of parking. Overspill parking should be considered, together with further details and clarification to the submitted Travel Plan. Subject to the receipt of a revised TP, conditions relating to the provision of car parking and cycle storage should be imposed.
Environmental Health	No objections.
Tree Protection Officer	No objections subject to an Arboricultural Implications Assessment to be implemented in full (including tree protection and method statement); and New Tree Planting to be agreed on a ratio of 3:1.
North Lancashire Bat Group	No objections to the bat survey submitted. A condition requiring details of bat mitigation to be submitted and agreed in writing.
Lancashire Constabulary	No objections in principle, subject to details of external lighting and the use of CCTV.
United Utilities	At the time of compiling this report no comments have been received.

5.0 Neighbour Representations

5.1 Site notices have been posted at the entrance to the Pathfinders Drive site and adjacent to the flats at Samuel Court. Additional consultation letters have been posted to nearby residents on Ashton Road. At the time of compiling this report only one letter of representation has been received. This raises no objection to the principle of the development but expresses concerns about the lack of parking provision within the site; the inadequate bus services servicing the area; and concerns that the traffic on Ashton Road can be very busy at peak times.

6.0 Principal Development Plan Policies

6.1 Lancaster District Core Strategy

Policy SC1 (Sustainable Development) of the Core Strategy emphasises the need to build healthy sustainable communities by ensuring new development is conveniently located to public transport links and local services; cleans up environmental problems associated with the site; will not adversely affect features of significant biodiversity, archaeological or built heritage importance; and that a proposed use would be appropriate to the character of the landscape.

Policy SC2 (Urban Concentration) seeks to build healthy sustainable communities by focusing new development where it will support the vitality of existing settlement, regenerate areas of needs and minimise the need to travel.

Policy SC5 (Achieving Quality in Design) seeks new development to reflect and enhance the positive characteristics of its surroundings.

Policy SC6 (Crime and Community Safety) seeks to build sustainable communities that are safe and attractive by ensuring development proposals contribute to and enhance community safety.

Policy E2 (Transportation Measures) seeks to improve residents quality of life and minimise the environmental impacts of traffic by focusing development on town centres and locations which offer a choice of modes of transport and improve accessibility by walking and cycling.

Lancaster District Local Plan

Policy R21 (Access for People with Disabilities) requires that where appropriate, access provision should be made for people with disabilities.

Policy EC6 (Criteria for new Employment Development) requires new employment to make satisfactory provision for access, servicing and cycle and car parking; is easily accessible to pedestrian and cycle links; is appropriate in terms of its surroundings (scale, design, appearance); uses high quality landscaping; and does not have an adverse impact on the amenities of residents and nearby businesses.

National Planning Policy Statements/Guidance

National Planning Policy Statement 4 (Planning for Sustainable Economic Growth). Policy EC10 of this policy states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and that they should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and minimise vulnerability and provide resilience to climate change;
- The site/proposal is accessible by alternative modes of transport and that the effect on local traffic levels and congestion have been considered;
- The proposal secures high quality design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- The impact on the economic and physical regeneration in the area
- The impact on local employment.

National Planning Policy Guidance 13 (Transport) identifies three key objectives in order to integrate planning and transport at the national, regional and local level:

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

7.0 Comment and Analysis

7.1 Principle of Development

The key issues for Members to consider in determining this application are:

- Whether the use of the building is acceptable in terms of its location for new employment and the provision of an important community service; and as such general compliance with PPS4, Core Strategy policies SC1 and SC2 and Local Plan policy EC6; and,
- Whether the proposed development is acceptable in highway safety terms and does not put an unacceptable strain on existing parking provision within the site and off-site parking on nearby roads; and,
- Whether the extensions and access alterations proposed are acceptable in terms of design, scale, appearance and use of materials and as such general compliance with Core Strategy policy SC5 and Local Plan policies R21 and EC6.

7.2 In terms of compliance with PPS4 and the relevant local planning policies relating to sustainable development, the reuse of this existing, largely vacant building on the Pathfinders Drive site is both an effective and efficient use of land and supports national policy in developing on previously developed land. In terms of location, the proposed development is a result of the NHS's wider plans to upgrade the mental health service in the district and in doing so has resulted in extensions and changes to the other existing buildings and uses already operating within the wider site. The scheme simply represents enhanced re-provision of facilities and services which currently operate from the Pathfinders Drive site and as such the use of Derby Home by the NHS mental health service raises no significant planning objections - despite its edge of town location. The use of Derby Home will allow the NHS to deliver their mental health service from one single site, which clearly has significant benefits to the service and to the local environment. Members may recall when the recent

application for the Oaklands Unit was heard at committee, the changes to this building were a consequence of the rationalisation of the service and the intended closure of Ridge Lea Hospital. The benefits of operating from one site will minimise multiple trips between sites for employees in particular, but would also provide a better service to the community. As a consequence, Members are advised that the proposed use of the building is entirely appropriate and consistent with the existing uses at the site and would clearly provide enhanced facilities and services serving the local community. Subsequently, the principle of the development in this location is considered compliant with both national and local planning policy.

7.3 Highways

The application site is accessed off Ashton Road, which is identified in the Local Plan as a designated Access Corridor and forms part of the Strategic Cycle Network. The site is located approximately 2km south of Lancaster City Centre with close access onto the strategic cycle network (via the residential development opposite Pathfinders) and close to the canal towpath (0.65km south of the application site to the north of Deep Cutting Farm). The site is also accessible by bus with 3 services routing past the site. The bus stop is adjacent to the junction into Pathfinders Drive, resulting in a short 150m walk from Derby Home to the bus stop where there is a safe Zebra crossing allowing safe access across Ashton Road. Two of the bus services give access to and from the city centre and the surrounding residential areas with the other bus route connecting Lancaster with Glasson Dock and Cockerham. The city centre service operates on an hourly basis, but is staggered every 30 minutes. The other service operates a 2 hourly service. Whilst the quality of this service has been regarded inadequate by one local resident, this edge of town location is regarded relatively accessible by public transport and via cycle routes and pedestrian access. PPG13 regards walking and cycle are two of the most important modes of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km (walking) and 5km (cycling) respectively. Bearing this in mind and regard to the proximity to public transport and alternative routes for walking and cycling, there are no grounds to refuse the application on its edge of town location.

7.4 Aside from the accessibility issues, in terms of cycle and parking provision on site, the scheme proposes an additional 12 spaces associated with the proposed use. This will include 3 disabled parking bays. This is in addition to the 64 spaces provided within the Pathfinder Drive complex. Based on the former Regional Spatial Strategy (now abolished) parking standards, a D1 use would generate a parking requirement of 23 spaces. Subsequently, the proposal would have fallen short by 11 spaces. However the RSS no longer exists, and PPS4 advises where there are no local planning standards then the thresholds contained in Annex D of PPG 13 shall apply. This annex does not specify standards for certain types of D1 use, such as the one being proposed, and therefore there can be no policy objection to the amount of car parking being provided.

In any case the proposal involves the provision of existing services and as such the majority of staff to be employed at Derby Home are already employed by the NHS on the Pathfinders Drive site. In addition, the applicant has also submitted a Travel Plan to help substantiate the reduced level of parking. This demonstrates clear commitments to reduce the need of staff to travel by private motor car and to encourage staff to use alternative modes of transport. The submitted Travel Plan also provides operational details of the service, which indicates that the need for parking is mainly associated with staff as the majority of patients will access the site by Local Authority transport. In terms of patient numbers, it is anticipated that there are generally be no more than 10 patients visiting the site per day. This is based on the hours of operation (0900 to 1700) and the number of consultation rooms for which there are two. The exact numbers will vary but it is unlikely to exceed 10 per day.

7.5 The submitted Travel Plan indicates a commitment to provide cycle parking and storage space as part of the proposal. The submitted plans do not identify where this is to be located and as such amendments have been requested. With regards to shower facilities, the developers have confirmed that all staff employed by the NHS have the use of the shower facilities provided in the main office building (one of the barns) fronting Ashton Road. Subject to the submission of satisfactory amended plans, this raises no objections. The provision of cycle and car parking will be conditioned to be provided prior to occupation and retained at all times thereafter.

7.6 The submitted Travel Plan identifies three key objectives:

- Minimise total travel distance through the reduction of journey lengths and frequency (especially

single occupancy care trip;

- Reduce reliance upon the private motor car and improve awareness and usage of alternative modes of transport;
- Promote car sharing, walking, cycling and public transport.

County Highways have identified some minor discrepancies with the submitted Travel Plan. These are currently being rectified by the developer and as such Officers will verbally update Members when these matters have been addressed.

7.7 Despite County Highways initial concerns regarding the level of parking proposed and the potential for overspill parking on the internal road layout and possibly adjacent streets, they have verbally indicated to Officers that if the use of the site could be conditioned to be used in association with the rest of the site (the NHS Pathfinders Drive site) and that there is no material net increase in staff numbers visiting the site, the parking provision initially proposed would be acceptable. Precise details of this will be reported verbally. If agreement is reached between the local planning authority and the applicant in this regard, there would be no objections on highway grounds.

7.8 **Design & Amenity**

In terms of the scale, design and appearance of the proposed extensions, the proposed development is considered compliant with the relevant local planning policies. The extensions have been carefully designed to ensure they appropriately relate to the scale and design of the existing building. In this regard, the two-storey extension proposed to the rear has been kept to a minimum and simply provides space for the proposed lift shaft, and whilst this element of the scheme could be argued to appear slightly out of proportion with the massing of the existing building, it is located on the least visible elevation. Subsequently, provided this is constructed and finished in materials to match the host building, this part of the scheme is considered acceptable. The extended and remodelled extension to the side will provide improved accommodation within the building itself but will equally result in a significant enhancement to the visual appearance of the building by removing the unsightly flat roof. The external appearance and the use of materials proposed for the extensions will be relatively consistent with the design consistency of the original building. There are some slight departures from the design and form of the original building, such as the use of a hipped roof and the tall and slim proportions of the proposed two-storey extension, however these alone are not reasons to warrant a refusal of planning permission.

7.9 The development also involves the replacement of all new openings. At present the windows are all boarded up but it is envisaged that these would have originally been timber framed casements. The proposed replacement windows are to be constructed in a light grey aluminium frame - this raises no significant concerns however the casements shown on the submitted elevations are not particularly in keeping for a building of this style. As such, if Members resolve to approve the development, a condition should be imposed requiring precise details of the windows to be submitted and agreed prior to commencement of development. The other significant alteration proposed as part of the development involves a new ramped access to the front elevation. This element of the scheme is both fundamental and necessary in order to comply with policy R21 of the local plan which seeks to ensure new development is as inclusive as possible and accessible to all. In this regard there are no objections to the principle of a ramped access to the building. In terms of its design, whilst it is a sizable structure, it has been carefully designed so as to appear subordinate in scale to the main building and shall be constructed in materials to match. The final alteration proposed relates to the infilling of a covered entrance to the north elevation to provide two additional interview rooms. The external alterations include the construction of a new external stone wall with two narrow window openings. This elevation is well screen from public view and provided the stone work matches the existing, it should not raise any objections from a planning point of view.

7.10 From a visual amenity perspective, all of the alterations and extensions proposed under this application are considered modest in scale, appropriately designed and sympathetic to the character, form and appearance of the existing building. The physical alterations will not adversely affect the wider site context or the setting of the two listed barns fronting Ashton Road. Bearing this in mind, the extensions and alterations are considered consistent with the relevant policies listed in section 6.0 of this report.

7.11 **Residential Amenity**

Due to the location and setting of Derby Home within a complex of other similar surrounding uses, the proposed development will not adversely affect nearby residential amenity. The only issue likely

to affect neighbouring residents is the increase in traffic movements. This issue has been addressed earlier in the report and concludes that the increase in traffic and parking would not be significant.

7.12 **Ecological Issues**

The application is supported by a bat survey and an Arboricultural Implications Assessment (AIA).

The bat survey confirms that the building is a confirmed bat roost site and as such is protected under the Habitat Regulations. Whilst the building is to be retained, there is a legal obligation on the applicant to ensure works are carried out in accordance with appropriate mitigation. The North Lancashire Bat group have commented on the application and have raised no objections to the content of the survey or the proposed development. However they have requested a condition relating to details of the proposed bat mitigation. The submitted bat survey concludes that the proposals are fully compliant with English Natures Bat Mitigation Guidance and the Habitat Regulations, and as a result the development would have no net impact upon the favourable conservation status of the bat population in the Lancaster area. There is no reason to doubt the content of the information provided and as such the development can be considered acceptable from a biodiversity point of view.

- 7.13 Trees within the site and the adjacent site are subject to Tree Preservation Order No. 269. The detailed AIA identifies trees within the vicinity of the application site and proposes tree protection measures in compliance to *BS 5837 (2005) Trees in relation to construction*. A total of 10 tree groups and 22 individual trees have been identified. Only two trees have been identified for removal (T18 and T19). These trees are cherry trees approximately 6m in height but both are in a poor arboricultural condition. As such they are to be removed in the interests of good arboriculture practice, regardless of the development proposals. The AIA also indicates a small group of Grey Poplars to the west of the building to be removed to allow the development to proceed. These trees offer little amenity value due to their relatively small size and their location tucked behind the existing building. Clarification has been sought to confirm if these trees are definitely intended to be removed, as the tree schedule submitted with the AIA indicates that the trees will remain with no actions required. Clarification of this will be reported verbally. The proposed development will have minimal impact on the existing trees provided the tree protection measures are implemented and appropriate replacement planting at a ratio of 3:1 is conditioned.

8.0 Planning Obligations

- 8.1 None arising from this application.

9.0 Conclusions

- 9.1 Subject to the submission of a revised Travel Plan, an amended site plan confirming cycle provision and clarification regarding the trees identified as G13, the proposed development is considered acceptable from a planning point of view and therefore compliant with the relevant national and local planning policies. Members are therefore advised that the development can be supported subject to the following conditions.

Recommendation

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

1. Standard Time Limit
2. Development in accordance with approved plans
3. Amended plans (TBC)
4. Details and samples of all external materials
5. Notwithstanding the plans submitted, details of windows and doors
6. Details of the ramp access (materials, surfacing and hand rails)
7. Details of external lighting and CCTV
8. Details of bat mitigation
9. Tree Protection condition
10. Development to be carried out in accordance with the submitted Arboricultural Method Statement
11. Replacement tree planting (ratio 3:1)
12. Landscaping scheme
13. Parking/Cycle provision to be provided and retained

14. Travel Plan to be implemented
15. At least 10% on-site renewables
16. Building to be used as a D1 use in association with the NHS Pathfinders Drive complex

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 A13	Committee Date 20 September 2010	Application Number 10/00338/FUL
Application Site Top Moor Ridding Cottage The Gars Wray Lancaster	Proposal Erection of detached dwelling in land to the rear	
Name of Applicant Mr & Mrs John Robinson	Name of Agent Mr Greg Gilding	
Decision Target Date 30 June 2010	Reason For Delay Rise in application numbers and Committee site visit	
Case Officer	Petra Williams	
Departure	No	
Summary of Recommendation	Grant permission with conditions	

1.0 The Site and its Surroundings

Members will recall that this application came before them during the last Committee meeting and was deferred in order to allow for a site visit.

- 1.1 The application site is situated within the village of Wray and forms part of the residential curtilage of the applicant's house Top Moor Ridding Cottage. The plot comprises an area of 315 square metres and is bounded by a mix of treatments. There is a 1.8 metre timber fence along the northern and eastern boundary and a stone wall forms the western boundary and is punctuated by an existing opening which allows vehicular access to and from the site. The site itself is rather unkempt and consists of overgrown shrubs and bushes as well as rough ground and is fairly flat and level with the surrounding area. There are three timber outbuildings (one of which forms part of the eastern boundary) sited within the plot as well as a trailer, building materials and garden paraphernalia. There is also an old car on the site which, judging by the surrounding vegetation growth has not moved for some considerable time.
- 1.2 The building to the south of the site is a stone under slate cottage (Top Moor Ridding Cottage) and attached barn which is in the ownership of the applicant. To the immediate rear of the cottage is an associated private garden area of adequate size and double garage which borders the adjacent lane to the east. The garden area borders the application site with the northern elevation of the garage and large shrubs and bushes forming a boundary between the two areas. The nearest property to the east is 13 metres away. The property to the north of the plot is a 1960s bungalow (Deer Park View) which differs from the typical Wray property in that it has a dash render exterior. There is also a second garage associated with Top Moor Ridding Cottage which fronts The Gars. This is a traditional stone under slate building which is known as the Carriage House. This building is set slightly forward of Top Moor Ridding Cottage at the opposite side of the lane. There is also further car parking area associated with Top Moor Ridding Cottage to the east of the property.
- 1.3 The Gars is a short loop road to and from the main road through the village. The Gars itself has an intimate feel and is bounded on both sides by properties of varying styles but a sense harmony is retained by the prevalence of traditional stone and slate materials. The plot is set back from The Gars which runs perpendicular to the lane that provides vehicular access to the application site and

rear garden and garage of Top Moor Ridding Cottage as well as the property to the north of the site, Deer Park View. The lane, which is bounded on both sides by stone buildings or walls, is approximately 43 metres long and on site measurements indicate that the lane is 2.85 metres at the widest point and 2.42 metres wide at its narrowest which is one particular point between Top Moor Ridding Cottage and the garage which fronts The Gars. As well as providing vehicular access to two properties the lane is also a Public Right of Way (PRoW) and allows access to the fields and countryside to the north of the village.

- 1.4 The northern edge of the application site forms part of the boundary to the Wray Conservation Area and the Countryside Area as designated by the Lancaster District Local Plan proposals map lies to the north. The village is also within the Forest of Bowland Area of Outstanding Natural Beauty. Wray is also identified in the Lancaster District Core Strategy as one of the eight key villages which have the five basic services.

2.0 The Proposal

- 2.1 The application proposes the erection of a modest, three bedroomed, detached dwelling within the plot following the demolition of the three outbuildings. External materials will be slate roof and a mix of natural local stone and rough cast render. The layout of the property will comprise three bedrooms, bathroom and toilet facilities at ground floor with living, kitchen and dining areas in the first floor roof space. Timber windows and doors are also proposed. The dwelling will be 12.5 metres long x 6.6 metres wide, 2.1 metres to eaves and 6 metres to the pitched roof.
- 2.2 The pitched roof will run west to east with the main windows of the first floor facing the field to the west of the plot. The window of the eastern elevation will be significantly smaller. Three rooflights are proposed for both roof planes. A key feature of the design is the insertion of elongated windows at ground floor which reflect the style of traditional barn openings.
- 2.3 Importantly this application differs from the previous refusal in respect of vehicular arrangements. Access to the site will be via the lane with car parking for the new dwelling being incorporated into the applicants existing garage which will split. The access to the rear of Top Moor Ridding Cottage will be walled up in order to prevent vehicles entering the site. A turning area will be provided within the site and new parking provision for Top Moor Ridding Cottage will be located within the Carriage House.
- 2.4 Adequate amenity space is proposed around the property and details of landscaping and surfacing will be conditioned. The existing stone wall on the east of the site will be lowered to a height of 750mm and a new opening will be created in the rear of garage of Top Moor Ridding Cottage. The remaining boundary treatment around the site will be a 1.8 metre natural stone wall.

3.0 Site History

- 3.1 There are two relevant planning applications and one appeal relating to this site.

Application Number	Proposal	Decision
07/00980/FUL	Erection of a detached bungalow	Refused
08/01357/FUL	Erection of a detached bungalow	Refused
09/00011/REF	Erection of a detached bungalow	Dismissed

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	No objections - The current scheme appears to address the previous Highway refusal reasons. Although the use of the Carriage House as a garage would result in regular reversing movements to and from The Gars, it is also acknowledged that this building could be used for such purposes at any time without the need for planning permission.

Environmental Health	No objections subject to the addition of an 'hours of construction' condition and a condition for a preliminary risk assessment regarding soil contamination.
Parish Council	No comments received
Ramblers Association	No comments received
Conservation	No objections subject to the conditioning of details and materials
Forward Planning Team	No objection - the Housing Needs Survey identifies an under supply of 3 bedroom houses in rural areas, and Wray is one of the key villages with the five key services identified in the Core Strategy.

5.0 Neighbour Representations

5.1 There have been a total of 27 objections and concerns received from members of the public. Ten of these representations came from the occupant of one residential property. At the time of compiling this report that person was the only resident of the village to submit objections. Six items of objection were submitted from a resident of Singapore. The reasons for opposition:

- The narrow and unlit lane puts public safety at risk when using the public footpath.
- The single track road would not be able to accommodate an increase use of vehicles without posing danger to pedestrians and highway safety
- Application does not seek to assist the increasing problems of the lane and the lack of visibility at The Gars when exiting.
- The development may affect the amenity of the area especially being in an Area of Outstanding Natural Beauty.
- Issues of change of use. The carriage house serves the use of a wood shed and farmers barn with two different owners, not that of a garage.
- Emergency vehicles will be unable to access The Gars with the proposed additional parking.
- Planning Policy Guidance 13 Transport (PPG13) emphasises that the public should be able to travel in a safe manner. The narrow and unlit lane along with the increase of vehicles does not comply with this.
- The development will result in "many more people" using the lane.
- The applicant has created an opening in the wall between the public footpath and the site. without planning permission.
- The applicant does not own the whole of the Carriage House as indicated on the submitted plan.

5.2 In addition, 2 letters of support have been received. Comments that support the development are:

- The lane and exit/ entrance of the lane is not unusual in the area due to the age and rural aspects of the village.
- The nature of the lane is self regulating in relation to speed.
- The development is on a small scale and could not generate a large amount of traffic that would be noticeable or pose danger on the public.
- There has been no previous traffic incident in the area.

5.3 The applicant has also submitted comments in response to the objections which have been raised:

- Only one of the objectors' lives in Wray and the applicant feels that the volume of other negative comments has been generated by this one person.
- There have been no objections from the Parish Council or other residents of the village.

6.0 Principal Development Plan Policies

6.1 Lancaster District Core Strategy (LDCS):

Policy SC1 (Sustainable Development) - seeks to ensure new development proposals are sustainable in terms of both location and design. This policy, albeit a generic overriding policy, states that the proposed use would be compatible with the character of the surrounding landscape and accessible to public transport, education and community facilities.

Policy SC3 (Rural Communities) - seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and need local needs and manage change in the rural economy and landscape. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements. This Policy also identifies eight key villages which have the five basic services which are considered necessary to sustain new residential development.

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

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

Policy E1 (Environmental Capital) – its purpose to improve the District's environment by protecting and enhancing nature conservation sites and landscapes of national importance, Listed buildings, conservation areas and archaeological sites.

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

6.2 Saved policies of the Lancaster District Local Plan (LDLP):

Policy E3 (Development affecting Areas of Outstanding Natural Beauty) - this policy seeks to ensure that development within the AONB is appropriate in terms of scale and materials.

Policy E35 (Conservation Areas and their Surroundings) - this policy states that development proposals which would adversely affect important views into and across a conservation area or lead to unacceptable erosion of its historic form and layout, open space and townscape setting will not be permitted.

6.3 National Planning Statements

In addition to the above local planning policies the following National Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) Notes are relevant:

PPS1 (Sustainable Development) - sets out the overarching planning policies on the delivery of sustainable development, advocating high quality design, accessibility to services and facilities, reducing the need to travel, inclusiveness, efficient use of land and improvements and enhancing biodiversity and landscape character.

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

PPS5 (Planning for the Historic Environment) - outlines the Government's overarching aim for the conservation and enjoyment of the historic environment and its heritage and states that in considering the impact of a proposal on any heritage asset, (e.g. conservation area) local planning authorities should take into account the particular nature of the of the heritage asset.

PPS7 (Development in Rural Areas) – acknowledges that many villages are of considerable historic and architectural value and highlights the need to ensure that development respects these policies. Planning authorities should take a positive approach to high quality designs that are sensitive to their immediate setting.

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

7.0 Comment and Analysis

7.1 Background

This application is a resubmission of a similar scheme which was refused solely on Highway grounds. This refusal was subsequently upheld by an Appeal Inspector. In his statement the Inspector stated:

“The development would not harm the character or appearance, and thereby the objective of preserving or enhancing the Conservation Area would be met. Any overlooking of neighbours to the north could be overcome by obscure glazing the roof-lights. I do not consider that the activities and traffic arising from the proposed dwelling would cause unacceptable noise or disturbance to neighbours”.

Although the Inspector considered the scheme acceptable in all other respects he ultimately ruled that the development would be detrimental to highway safety because of the potential for increased traffic in the lane arising from a third dwelling. The current scheme aims to address the previous highway safety concerns.

The other key issue for consideration is the principal of the development in relation to the PPS 3 which was revised in June 2010.

7.2 Highways

The Gars is narrow with on-street parking serving a number of dwellings and due to the nature of the road, traffic levels and speeds are low. In his statement the Inspector acknowledged that the PRoW was used, albeit not heavily. This has been confirmed by the Case Officer who visited the site on five separate occasions and it was evident that the lane was not used by members of the public on either of these occasions. The plans propose to remove vehicular access to Top Moor Ridding Cottage via the lane. Consequently there will be no net change in the number of dwellings that the lane provides vehicular access to as a result of the development. Adequate off street parking for Top Moor Ridding Cottage can therefore be provided in the Carriage House.

7.3 Since this application was last brought before Members a letter has been received which raises issues regarding the ownership of the Carriage House. It is the applicant's responsibility to ensure that they have ownership of the site. Furthermore it would be a condition of approval that the new development could not be occupied until the Carriage House was brought into use providing off street parking for Top Moor Ridding Cottage. Nevertheless this issue was brought to the attention of the agent and it appears that the applicant does not in fact own the whole of the Carriage House as shown on the original submitted plans. This was an error on behalf of the plan drawer and subsequently an amended blue edge has been received showing only the front portion of the building as being in the ownership of the applicant. There still appears to be inaccuracies relating to the applicant's drawings relating to the red and blue-edged plans and these matters are the subject of continued discussion between the local planning authority and the applicant's agents. The matter will be verbally updated at the meeting.

7.4 A number of objectors have raised highway safety issues. The fact that the applicant has already created an opening in the wall between the lane and the application site has been highlighted in a number of submitted comments. However planning permission would not required for this type of work and the applicant is within his rights to create an access within his boundary wall. The lane is narrow and PPG13 places emphasis on people being able to travel safely whatever their chosen mode of transport and emphasises that people should come before traffic. However in light of this revised scheme County Highways have raised no objections, subject to a condition which ensures that prior to the occupation of the new dwelling the existing vehicular access at the rear of Top Moor Ridding Cottage is stopped up to vehicular traffic by construction of the wall indicated on the submitted plans.

7.5 PPS3 – Housing

The revisions to PPS3 means that private residential gardens are no longer classed as brownfield land and therefore the principle of development being acceptable is no longer automatic. However

the site is within the village boundary and considered appropriate for infill development and in a suitable location within Wray which is one of the eight key villages in which residential development in the rural area will be focussed. An adequate size garden area will be retained by Top Moor Ridding Cottage and the scheme is not considered to be an attempt at "garden grabbing". The plot is well integrated and the development will compliment neighbouring buildings and the local area in terms of scale, density, layout and access. In this regard, the proposal is not out of keeping with the street scene and the principle of development can be accepted.

7.6 Design

The property has been designed in order to maintain a relatively low roofline and the use of traditional materials and window designs are considered appropriate in this rural village setting. Nevertheless the development will not be highly visible within the village and will not impact unduly on the surrounding Conservation Area (heritage asset) and the scheme therefore accords with the principles of PPS5.

7.7 It is considered appropriate to condition the windows of the northern roof plane to be obscure glazed and none opening to preserve the residential amenity of the occupiers of Deer Park View. Other windows of the development are not considered to raise issues of overlooking. The development will be fairly centrally located within the plot and adequate amenity space will be provided which will be comparable to many other private gardens with Wray. The main amenity space will be 8.5 metres by 4.5 metres with an additional smaller area to the north of the property. In addition a vehicular turning area will be provided within the site which allows access to the garage and the proposal accords with the principles of SPG12.

7.8 Sustainability

As a new build the property will be subject to the current legislative requirements regarding insulation and energy use. From a planning point of view the scheme will be conditioned to be constructed to meet at least the standards set out in Code 3 for sustainable homes and a scheme to be submitted which incorporates on-site renewable energy measures to provide at least 10% of the predicted energy requirements arising from the development. Furthermore the site is within a village location within close proximity to local shops and services.

8.0 Planning Obligations

8.1 There are no planning obligations to consider.

9.0 Conclusions

9.1 The scheme is considered appropriate in terms of design, siting and scale and will improve what is currently an untidy site within the Conservation Area. The proposed residential dwelling and its associated use will not cause unacceptable noise or disturbance to neighbours. The development will not impact unduly on the surrounding conservation area of surrounding AONB.

9.2 It is acknowledged that the proposal has generated numerous objections, primarily on highways grounds relating to the use of the lane by pedestrians and the potential for accidents arising from vehicular movements to and from the site. However the lane currently provides vehicular access to two properties and this situation will remain unchanged as a result of the scheme and therefore the previous highway refusal reason has now been removed. Members are therefore advised that the submitted scheme eliminates the issues of highway concern, and as such this application can be viewed favourably.

Recommendation

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

1. Standard time limit
2. Development in accordance with plans
3. Samples of external materials
4. Details of the:

- surfacing materials
- eaves verge and ridge
- the coursing and jointing
- windows, including heads and cills
- rooflights
- doors, including garage doors
- all boundary treatments

5. Obscure glazing to northern roof plane
6. Landscaping scheme
7. No occupation until vehicular turning space provided
8. No occupation until car parking provision within garage is provided
9. Provision of garage for Top Moor Ridding Cottage
10. Garage use condition
11. Details of foul and surface water drainage
12. Existing vehicular access to the garage and garden area at the rear of Top Moor Ridding Cottage shall be stopped up to vehicular traffic
13. At least scheme for 10% on-site renewable energy
14. At least Code 3 for Sustainable Homes
15. Preliminary risk assessment regarding soil contamination
16. Unforeseen soil contamination
17. Removal of permitted development rights
18. Site management plan for the site clearance and construction phases

Human Rights Act

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

Background Papers

None.

Agenda Item	Committee Date	Application Number
A14	20 September 2010	10/00725/CU
Application Site 27 Regent Park Avenue Morecambe Lancashire LA3 1AT	Proposal Change of use from former maisonette to day care centre for children (aged from birth - 2 years) (Use Class D1)	
Name of Applicant Mr Martin Shenton	Name of Agent	
Decision Target Date 6 September 2010	Reason For Delay N/A	
Case Officer	Mr Daniel Ratcliffe	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The application is one which would normally be determined under delegated powers but has been placed on Committee as the applicant is Councillor Shenton. The application site is a three storey end terrace located at the corner of Regent Road and Regent Park Avenue. The existing property is a two bedroom maisonette split over two floors with external space to the front and side of the terrace.

2.0 The Proposal

- 2.1 The application proposes its change of use from a residential maisonette to a day care centre. Both ground and first floors and including the basement will be converted to cater for day care. The front and side yard are proposed to be used as outdoor play space. There is a 1 metre high wall surrounding the yard. A further 1 metre high railing has already been erected above the wall. The steel railing is painted black and line the entire perimeter of the site.

3.0 Site History

- 3.1 None.

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	No objections.
Environmental Health	No objections to the proposal subject to the following conditions: <ul style="list-style-type: none"> Hours of opening restricted 0700 to 1900 hours Use of outside play space to between 1000 and 1600 only

- | | |
|--|---|
| | <ul style="list-style-type: none"> • Scheme for Noise Assessment to be submitted • Scheme for Odour Control to be submitted |
|--|---|

5.0 Neighbour Representations

5.1 None received.

6.0 Principal Development Plan Policies

- 6.1 Lancaster District Local Plan (LDLP): None specific to the proposal but the development should suitably located in a sustainable location, be adequately and safely serviced and not be unduly detrimental to neighbouring amenity.
- 6.2 Lancaster District Core Strategy (LDCS): Policy **SC1**: 'Sustainable Development' seeks to ensure new development proposals are sustainable in terms of both location and design.

7.0 Comment and Analysis

7.1 The applicant seeks to utilise a property that has sat vacant for approximately the past 12 months. The proposal seeks to develop essential community facilities in a location which is conveniently located. The applicant has confirmed that Ofsted have assessed the premises and concluded that due to its size the building can cater for up to 16 children. However due to staff resources the applicant will offer only 14 places children at any one time. The centre will look after children up to the age of two years old and the 14 places will be a range of babies and toddlers. The application states that the new use will employ up to 8 people.

The steel railings have already been mounted on top of the existing boundary wall at the site. The railing detail and finish is satisfactory in this location and appropriate to the use.

- 7.2 Parking is restricted to the front of the property by way of both double yellow lines and a bus stop. However, to the side there are no restrictions and dropping off or picking up would be an option. Further parking is available to the rear of the property at the nearby public house/hotel. County Highways have confirmed there are no concerns regarding this element.
- 7.3 There will inevitably be noise issues associated with the proposed use. Environmental Health have raised no objections but have requested that the opening hours be restricted as well as the use of the outdoor play area with the intention of minimising noise impact on neighbours. Furthermore, the play area will need to be conditioned to the hours of use of 10.00 to 16.00 to minimise potential impact, most significantly noise, on neighbouring properties. A scheme for both noise and odour control will be required to be submitted to the planning authority and details agreed, once again to minimise likely impact on neighbouring residents.

8.0 Planning Obligations

8.1 None .

9.0 Conclusions

9.1 The proposal is considered to be a suitable use in sustainable location. The application is recommended for approval.

Recommendation

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

1. Standard 3 year time limit
2. Development carried out in accordance with approved plans
3. Hours of use 0700 to 1900 Monday to Saturday
4. Use of outdoor space restricted 1000 to 1600
5. Noise Assessment to be submitted
6. Scheme for Odour Control

Human Rights Act

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

Background Papers

None.

Agenda Item A15	Committee Date 20 September 2010	Application Number 10/00772/FUL
Application Site 26 Forgewood Drive Halton Lancaster Lancashire	Proposal Retrospective application for raising of roof height of existing garage	
Name of Applicant John Toder	Name of Agent	
Decision Target Date 27 September 2010	Reason For Delay None	
Case Officer	Ms Petra Williams	
Departure	No	
Summary of Recommendation	Grant Planning Permission	

1.0 The Site and its Surroundings

This application has been brought before Members as the applicant is an employee of the City Council.

- 1.1 The site that forms the subject of this application is a detached chalet style, dormer bungalow which is situated within a small residential development which is located on the southern side of Low Road in Halton. The property has a dash render exterior and upvc windows and doors and occupies an elevated position on Forgewood Drive. There is an attached flat roofed garage to the western elevation which is access via driveway and a timber and trellis boundary which ranges from 1 metre to 1.8 metres in height along the western (side) boundary.
- 1.2 Neighbouring properties along this length of Forgewood Drive are of a similar type to the application property with attached garages to the side. The eastern (side) elevation of the neighbouring property to the west (no.24) is 2.9 metres away from the garage of no. 26. The eastern elevation of no. 24 contains the main access door to the property as well as one kitchen window which directly faces the flat roofed garage of no. 26. This arrangement is mirrored at other properties of this design in Forgewood Drive but the side outlook is compensated by the existence of two other kitchen windows to the rear which face the rear garden and agricultural land which lies to the south of the application site.
- 1.3 The site lies within a Countryside Area and projects into land allocated as a County Geological Heritage Site.

2.0 The Proposal

- 2.1 The application seeks retrospective planning permission for an increase in the roof height of the flat roofed garage by 300mm. The garage roof has also been extended 1.4 metres to the rear and 2.7 metres to the front and is currently supported by timber posts in anticipation of future extensions to the garage which can be carried out under permitted development rights. The garage walls have been increased by three brick courses and the roof is now in line with the eaves of the main dwelling and has been finished with white upvc fascia to match existing.

3.0 Site History

- 3.1 None.

4.0 Consultation Responses

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

Statutory Consultee	Response
Parish Council	No comments received within consultation timescale

5.0 Neighbour Representations

- 5.1 The neighbouring occupiers of 24 Forgewood Drive have submitted objections to this application on the following grounds:

- Reduction in light to kitchen and hallway.
- Reduced natural view (not a planning consideration).
- Possible reduction in saleability of property (not a planning consideration).
- Possible increase in noise and appropriateness of the use of rooms within the development (this application relates to the increase in roof height only so this point is not relevant).
- Redirection of waste pipe from our property (not a planning consideration).

- 5.2 The applicant has submitted a letter of reply to the neighbouring objections and makes the following points:

- The application is retrospective due to the applicants understanding that the proposed garage extension would fall within permitted development.
- The roof has been constructed in advance of the extension as this element was a priority due to water ingress to the garage.
- The neighbour's side kitchen window is east facing and has never been a main source of light.
- The aspect from the neighbour's side kitchen window has always overlooked the side dormer and garage of the application site. This view is little changed as a result of the development.

6.0 Principal Development Plan Policies

- 6.1 Lancaster District Core Strategy (LDCS):

Policy SC1 (Sustainable Development) - seeks to ensure new development proposals are sustainable in terms of both location and design.

Policy SC3 (Rural Communities) - seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and meet local needs and manage change in the rural economy and landscape. Development should protect, conserve and enhance rural landscapes and the distinctive characteristics of rural settlements.

Policy SC5 (Achieving Quality in Design) - seeks to ensure that new development contributes to the

positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design. This policy supports regional and national agendas for raising the profile of good design in spatial planning.

6.2 Saved policies of the Lancaster District Local Plan (LDLP):

Policy E4 (Countryside Area) – Within the countryside development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interests.

Supplementary Planning Guidance Note 12 - Residential Design Code – SPG12 is aimed primarily at new housing development. However the design principles relating to new buildings are also intended to apply to house extensions. Consideration must be given to the quality of the aspect from each dwelling by avoiding intrusive overlooking of other properties; and recognition must be given to the scale and density of the immediate surroundings.

6.3 National Planning Statements

In addition to the above local planning policies the following National Planning Policy Statement (PPS) is relevant:

PPS1 (Sustainable Development) - sets out the overarching planning policies on the delivery of sustainable development, advocating high quality design, accessibility to services and facilities, reducing the need to travel, inclusiveness, efficient use of land and improvements and enhancing biodiversity and landscape character.

7.0 Comment and Analysis

- 7.1 The increase in roof height is the only issue for Members to consider in determining this application as the planned future extensions under the garage roof do not require the benefit of planning permission. Previously standing at 2.3 metres high, the flat roofed garage is now 2.6 metres high. The increase in height requires planning permission under Part 1, Class A (b) of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 which states that development is not permitted if *“the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse”*. Permission is required because the garage is original to the property.
- 7.2 It is worth noting that had the applicant chosen to demolish the existing garage he would have been able to replace it with an extension with an eaves height of 3 metres without the need for planning permission.
- 7.3 Objections raised by neighbouring occupants refer to a reduction in natural light to the kitchen and hallway as a result of the development. However at 300m the increase in height is considered as negligible and it is the Case Officer’s opinion that the development has had minimal impact on the reduction of light into the kitchen of no.24. Furthermore the window in question (which faces the garage) is one of three windows to the kitchen, and the hallway (behind the main entrance door) is not a habitable room.
- 7.4 The proposal has no impact upon the designated County Geological Heritage Site. The work which has been carried out is acceptable in terms of scale, design and materials and complies with the provisions of LDCS Policies SC1, SC3 and SC5 saved LDLP policy E4 and SPG12 as well as PPS1.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider.

9.0 Conclusions

- 9.1 The development under consideration is regarded as minor in nature and it is considered that the increase in roof height has had no detrimental impact on the residential amenities of the neighbouring occupants, the surrounding street scene or wider Countryside Area. Members are

therefore advised that this application can be viewed favourably.

Recommendation

That Planning Permission **BE GRANTED**.

(No planning conditions are required because the development has already been undertaken and is to an acceptable standard and design).

Human Rights Act

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

Background Papers

None.

Agenda Item A16	Committee Date 20 September 2010	Application Number 10/00541/FUL
Application Site Land At Rear Of 85-91 North Road Carnforth Lancashire	Proposal Erection of a new dwelling	
Name of Applicant Mr D Barnes	Name of Agent Mr Allan Lloyd-Haydock	
Decision Target Date 22 September 2010	Reason For Delay None.	
Case Officer	Mr Andrew Holden	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 This is a backland site on the west side of North Road, behind a row of cottages. It was at one time used for the storage of vehicles awaiting repair but these have been removed. Access to it is by means of a driveway at the side of 91 North Road.

The surrounding area is residential, but it is within easy walking distance of the town centre and bus and train services.

2.0 The Proposal

- 2.1 The current application is seeking consent to erect a detached four-bedded dwelling with an integral single garage. The footprint and external appearance of the building replicates those of the earlier scheme approved under 06/00134/REM. The internal floor plan of the first floor has been reconfigured to provide three single bedrooms and a double with en-suite rather than the original arrangement which provided two double bedrooms and a single.

The building is two storeys but has been designed to keep the upper floor wall height down. Externally the walls are to be constructed of natural stone to the ground floor, render to the upper floor all under a natural slate roof.

3.0 Site History

- 3.1 This application is the latest in a long series of proposals involving the site. The previous owner obtained outline consent for a dwelling was in 2000. This was renewed in 2003. The first reserved matters application was refused consent, but a subsequent amended version was approved in 2006 under consent 06/00134/REM.

Since then four different versions involving a larger house, have been refused consent. Two of

these refusals have been the subject of appeals, and both have been dismissed.

Application Number	Proposal	Decision
80/00188	Erection of a detached bungalow	Refused 1980
81/00746	o/a for the erection of a hall of worship	Refused 1981
83/01250	Use of land for the storing of private motor vehicles awaiting repair	Approved 1984
85/00435	Renewal of parking cars awaiting repair	Approved 1985
00/00471/OUT	O/A for the erection of one dwelling house	Approved 2000
03/00803/OUT	Renewal of O/A for the erection of one dwelling house	Approved 2003
06/00134/REM	Reserved Matters for the erection of a detached dwelling with integral garage	Refused 2006
06/00536/REM	Reserved Matters for the erection of a detached dwelling	Approved Aug 2006
07/00208/FUL	Erection of a dwelling	Refused 2007 – Appeal dismissed
07/01030/FUL	Erection of a dwelling	Refused 2007 – Appeal dismissed
08/00345/FUL	Erection of a dwelling	Refused 2008
09/00060/FUL	Erection of a dwelling	Refused 2009

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Environmental Health	No objections in principle subject to hours of construction and unexpected contamination conditions.
Carnforth Town Council	No observations received.

5.0 Neighbour Representations

5.1 No observations received.

6.0 Principal Development Plan Policies

6.1 Policy SC1 of the Lancaster Core Strategy stresses the importance of locating new development in places where it is convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation and leisure and community facilities, and use land which has previously been developed.

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

Lancaster District Local Plan "saved" Policy H19 requires that new housing in Lancaster, Morecambe, Heysham and Carnforth should:

- Not result in the loss of green space or other important local space;
- Provide a high standard of amenity;
- Make adequate provision for the disposal of sewage and waste water; and, Make satisfactory arrangements for access, servicing, cycle and car parking.

7.0 Comment and Analysis

7.1 The current application has been submitted following complaints from local residents and ward councillors that works were being undertaken on site without the benefit of planning consent. Following discussions with the site owner and current applicant it was determined that the original

consent, 06/00134/REM had elapsed and that no valid consent related to the site.

At this stage works had progressed on site to construct the foundations of the site implement gas protection measures and cast the floor slab of the building. Works ceased following intervention and no further works have been undertaken at the site.

- 7.2 As indicted earlier in the report the site has been the subject of a number of revised schemes all of which sought to develop a large building on this constrained site. The applicant has moved away from the position of seeking to develop a larger property and has constructed the foundation/floor slab on the basis of the earlier approval. This consent developed a 3 bed property but with a practical subdivision of a second double bedroom an additional bedroom has been create without the need to change the external envelope of the building , including the introduction of additional windows. A large gable window to the southern elevation has been subdivided with a central mullion behind which a wall is constructed to subdivide the room.
- 7.3 As overlooking and outlook were the main issues relating to all the previous applications this arrangement to gain an additional bedroom is considered appropriate.
- 7.4 The site had been previously used for the storage of damaged vehicles awaiting repair and as a consequence a condition had been attached to the earlier consent for the implementation of a contaminated land study. This has been undertaken as part of the negotiations with the local planning authority before the current application had been submitted. No issues arose from the study but gas measures have been put in place as a precautionary approach to any possible contamination and also for radon gas protection which is common to this general area. Some additional excavation works are required for the construction of the drainage system and as a consequence an 'unexpected contamination' condition has been suggested by the Contaminated land officer.
- 7.5 The planning policy position in relation to the development of this brownfield site has not changed significantly since the original approval and the proposal raises not significant new issues. However, in recognition of the 'Merton rule' and the need to minimise energy use, the applicant has indicated that the house will introduce energy generation in the form of either photovoltaic tiles of solar panels on the south facing roof slope. The precise details of which will need to be conditioned along with a demand that the house is constructed to a minimum code 3 for sustainable homes.
- 7.6 It is considered that development of a detached dwelling in the form proposed accords with current planning policy and is appropriate to this location. Planning conditions will need to be attached to clarify the external materials, the built form of the development along with conditions to control construction hours and any future development of the dwelling.

8.0 Planning Obligations

- 8.1 None

9.0 Conclusions

- 9.1 It is considered that development of a detached dwelling in the form proposed accords with current planning policy and is appropriate to this location. Planning conditions will need to be attached to clarify the external materials and the built form of the development along with conditions to control its future occupation.

Recommendation

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

1. Development to be built in accordance
2. Amended elevations – windows
3. GDO tolerances removed
4. Boundary treatments to be agreed
5. Separate system of drainage
6. Turning area to be provided and maintained
7. Unexpected contamination

8. Samples of external materials
9. Hours of construction 8am to 6pm Monday to Friday and 8am to
10. Garage to be maintained for the parking of a vehicle
11. Details of the means of the 10% energy generation to be agreed
12. Dwelling to be built to a minimum of Code 3 for Sustainable Homes standards

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 A17	Committee Date 20 September 2010	Application Number 10/00810/VCN
Application Site Christie Park Lancaster Road Morecambe Lancashire	Proposal Variation of condition 2 on approved application 09/00281/FUL to amend plans in order to relocate biomass boiler, minor extension to bulk storage area and alteration to service yard	
Name of Applicant Sainsbury's Supermarkets Ltd	Name of Agent Mr Greg Dickson	
Decision Target Date 29 October 2010	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The 2.05 hectare application site is located about a mile south east of central Morecambe. It was the home of Morecambe Football Club (Christie Park), though further to the club's move to Westgate it has become a development site for an approved Sainsburys store.

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

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

- 1.3 The site is designated in the Lancaster District Local Plan as an Urban Greenspace and a Major Sports Ground.

2.0 The Proposal

- 2.1 The application seeks permission to vary Condition 2 of planning permission 09/00281/FUL to amend the list of approved plans. The amendments refer to the relocation of the biomass boiler and associated flue stack, a minor extension (50 sq.m) to the bulk storage area of the store, and the consequential alterations to the layout of the service yard. The currently proved plans are amended to reflect these changes.

- 2.2 The access arrangements, landscaping proposals and the proposed boundary treatments remain as approved by the original application (09/00281/FUL).

3.0 Site History

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

Application Number	Proposal	Decision
09/00281/FUL	Demolition of existing football buildings and erection of Sainsbury's food store (Class A1) together with new vehicular accesses, servicing area, car parking and ancillary landscaping	Approved
10/00527/NMA	Non-material amendment to approved application 09/00281/FUL	Approved
10/00859/FUL	Construction of a new substation	Pending

4.0 Consultation Responses

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

Consultees	Response
County Highways	No objection.
County Planning	Further to the revocation of the Regional Spatial Strategy, Strategy & Policy is no longer providing strategic planning views in response to consultations by Lancashire District Councils on planning applications.
Environment Agency	No comments.
United Utilities	No objection.
Environmental Health	No additional comments to those for original application 09/00281/FUL. Noise Impact assessment to take into account any material changes proposed in this application to changes to service yard. No objections to this application provided the applicant puts into practice the advice contained within the Air Quality Assessment July 2010.
Tree Officer	There are no additional tree removals proposed. Previous comments made in relation to tree protection measures under planning application 09/00281/FUL remain current. No objection to the variation to condition 2.

5.0 Neighbour Representations

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

6.0 Principal Development Plan Policies

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

PPS1 (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources,

conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS4 (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured; and
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.

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

6.2 Lancaster District Core Strategy - adopted July 2008

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

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

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

Policy **E1** (Environmental Capital) - Development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, and conserve and enhance landscapes.

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

7.0 Comment and Analysis

7.1 The proposed changes to the service yard area are generally acceptable. The access arrangements and turning area within the yard is retained to the satisfaction of County Highways. Whilst the sprinkler tank and its associated pump maintains its location behind the electric sub-station and transformer, the proposed biomass boiler, which will provide the store with renewable energy in line with government's and Council's policies, would be situated between the tank and ramp to the unloading bays. The increased bulk stock area is proposed between the tank and the unloading bay. Due to their positioning, the visual impact of the proposed changes from Lancaster Road and from the school grounds is minimal. The Environmental Health Service and the Council's Tree Officer are both satisfied with the details submitted subject to the applicant complying with the conditions relating to noise, air quality and tree protection on their original consent (09/00281/FUL).

8.0 Planning Obligations

8.1 With regards the original application (09/00281/FUL), the applicant has previously entered into a s106 agreement covering:

1. Financial contribution of £55,000 towards a direct foot/cycle path from Greenway into the site;
2. Financial contribution of £50,000 towards of a traffic calming and a traffic regulation order on Burlington Avenue and Lathom Avenue; and,
3. Financial contribution of £200,000 towards the construction of a multi use games area at Claypits Field and a footpath to the mixed use games area from Charles Street/Hope Street and their subsequent maintenance

This legal agreement remains in place and is not altered by this application.

9.0 Conclusions

- 9.1 For the reasons set out above, the proposed variation to Condition 2 is recommended for approval.

Recommendation

That Condition 2 of planning permission 09/00281/FUL **BE VARIED** to state:

2. The development hereby permitted shall be carried out in accordance with the amended plans listed below that have been subsequently approved by the local planning authority:

P02 Rev N - proposed site plan
P03 Rev C - mezzanine and roof plan
P04 Rev C - proposed elevations
P05 Rev B - proposed site sections
P06 Rev C - proposed long elevation
P07 Rev C - proposed floor plans

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 A18	Committee Date 20 th September 2010	Application Number 10/00802/CU
Application Site 2 Old Station Yard Kirkby Lonsdale Carnforth Lancashire	Proposal Retrospective application for the part change of use of existing vehicle storage and maintenance building to storage distribution and business use	
Name of Applicant Alan Stephenson And Son	Name of Agent JMP Architects Ltd	
Decision Target Date 24 September 2010	Reason For Delay None	
Case Officer	Mr Karl Glover	
Departure	None	
Summary of Recommendation	Approval subject to conditions	

1.0 The Site and its Surroundings

- 1.1 The site is located at the northern end of the Old Station Yard industrial area, to the South of Kirkby Lonsdale and the west of the A65. The industrial estate is bounded by a high bund with semi-mature screen planting on all sides except the South and is surrounded on all sides by open, undulating Countryside. There are two residential properties adjacent to the southern end of the estate close to the estate road entrance and a further residential property to the east of the estate mid way up its length, separated by narrow fields and access from Long Level (the old Roman Road running north/south to the estate).
- 1.2 The estate is accessed from a cul-de-sac section of former A65 road which has a good junction with the present A65. Unit 2 currently consists of 5 subdivided units (albeit within breach of the previous planning condition) and are occupied and operated as follows:
- **Unit 2a** Alan Stephenson Coaches (This unit is located at the furthest most part of the building and has an aspect of business and storage use and was extended under application number 06/00090/FUL); Stephenson's Coaches have reduced the amount of coaches they operate and have a maximum of 6-7 staff most of which will be out on trips/visits.
 - **Unit 2b** is occupied by Mortimer's Storage and is used for storage only as an overflow from the adjoining metal fabricators. As a storage only unit for the adjoining business it is only accessed by a maximum of 2 staff on rare occasions as and when required.
 - **Unit 2c** is occupied by Scott's Storage for the storage of motor vehicles with a minimum aspect of body repair work carried out from within the unit. Maximum number of staff would be 2 with two required parking spaces for staff vehicles;
 - **Unit 2d** is occupied by La Maison Storage, a furniture store, (no aspect of retail) that provides for town location furniture businesses. No work takes place in the unit however once

a week deliveries and distribution vans attend the site. Members of the public can potentially pick up items of furniture from the unit. Maximum number of staff at any one time is two.

- **Unit 2e** is occupied by Kirkby Lonsdale Brewery, a micro brewery, which operates 2 days a week (Monday and Tuesdays) with a maximum number of two staff. This is one of the larger sections of the unit and is used for storage with a delivery vehicle and staff car park. Maximum vehicle movements approximately 6 per week.

2.0 The Proposal

- 2.1 The applicant seeks retrospective planning consent for the part change of use of the existing vehicle storage and maintenance building to a general storage and distribution and business use (Mixed use of Class B1 and B8) for 5 units.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These are listed in the table below.
- 3.2 The most relevant historic applications in relation to this retrospective application is the original permission for the erection of 4 industrial units and associated access and access road with landscaping (**96/001325/FUL**). There was no condition on the original permission preventing the units from being subdivided, however the application site (Unit 2) formerly known as Stephenson's Coaches applied and were granted consent for an extension to the vehicle maintenance workshop under application number **06/00090/FUL**. Condition number 8 on this permission restricted the use solely for light industrial and storage uses associated with the existing coach business and should not be used for any other purpose without prior consent from the local planning authority (LPA).
- 3.3 An enforcement case was opened following a complaint by a nearby resident informing the LPA that the units have been subdivided, following this enquiry the applicant was advised to submit a planning application to regularise the sub divisions and associated uses within Unit 2 Old Station Yard.

Application Number	Proposal	Decision
79/01314/CU	Use land as storage compound for petroleum gas	Refused
85/00061/FUL	Erection of a new building in connection with haulage business	Refused
89/00635/ADV	Erection of signs	Accepted
91/00470/CU	Change of use to temp storage site with portable building	Accepted
96/00135/FUL	Erection of 4 industrial units and associated access and access road and landscaping	Accepted
01/01362/CU	Change of use of builder's workshop to storage and maintenance of coaches with associated offices and alterations to approved elevations at Unit 2.	Accepted
03/01435/FUL	Erection of extension to existing unit/maintenance facilities	Accepted
06/00090/FUL	Erection of a single storey extension to existing vehicle maintenance workshop	Accepted

4.0 Consultation Responses

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

Statutory Consultee	Response
Parish Council	No objections to the proposal.
Environmental Health	No objections to the proposal – Hours of operation condition requested.
Lancashire County Highways	No objections to the application – Recommended a condition for further details of the proposed mini bus parking spaces are provided and suggested that cycle storage

5.0 Neighbour Representations

5.1 One letter of objection has been received by a nearby resident who has raised concerns primarily in relation to the following points:

- Traffic concerns- suggested that Unit 2 will generate more traffic in and out of the service road
- Pollution – The micro brewery (Kirkby Lonsdale Brewery LTD unit 2e) cause pollution both airborne in terms of smells and from liquid waste running in to a nearby beck
- Noise – early morning and late night noise from traffic passing
- Vehicle parking
- Foul sewage issues
- Fresh water supply to station yard
- Trade effluent
- Employment and the hours of work

6.0 Principal Development Plan Policies

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

National Planning Policy as laid down in Planning Policy Statements (PPS1 – Delivering Sustainable Development, PPS4 – Planning for Sustainable Economic Growth, PPS7 – Sustainable Development in Rural Areas) and Planning Policy Guidance Note 24 (Planning and Noise) is relevant to the consideration of this application. In particular:-

- PPS1 paragraph 19 suggests that planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options pursued. Where such impacts are unavoidable, mitigation measures should be considered.
- PPS 4, Policy EC6 (Planning for Economic Development in Rural Areas) suggests that LPA's should ensure that the countryside is protected for the sake of its intrusive character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all to this and, economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.
- Previously paragraphs 4, 5, 17 and 18 of PPS 7 – relating to the location of development and the re-use of buildings in the countryside – would have been applicable but these paragraphs have since been replaced by the provisions of PPS4.
- PPG24 Paragraph 10 states that much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.

6.2 Local Planning Policies

This site is located within a small but long established commercial/industrial estate, formerly a railway station goods yard. The estate is covered by the blanket 'Countryside' designation of the 'Saved' Proposals map to the Lancaster District Local Plan and Saved Policy **E4** (The Countryside area) of that plan. The site itself is not otherwise specifically allocated in the plan.

Saved Policy **E4** requires development in the countryside area to be; in scale and keeping with the scale and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale,

design, materials, external appearance and landscaping; to have no significant adverse effect on nature conservation or geological interests and; to have satisfactory access, servicing and parking arrangements.

Lancaster District Core Strategy Policy **SC1** (Sustainable Development) seeks to ensure that new development proposals are as sustainable as possible, minimise greenhouse gas emissions and are adaptable to the likely effects of Climate Change and sets out a range of criteria against which proposals should be assessed.

Core Strategy Policy **SC3** (Rural Communities) seeks to build healthy sustainable communities by empowering rural communities to develop local vision and identity, identify and meet local needs and manage change in the rural economy and landscape, but essentially seeks to focus development on villages identified as having fire essential services. Development outside these settlements will require exceptional justification.

Core Strategy Policy **E1** (Environmental Capital) seeks to safeguard and enhance the Districts environment by a range of measures which include; resisting development which would have a detrimental effect on environmental quality and public amenity and; directing development to locations where previously developed land can be recycled and reused.

7.0 Comment and Analysis

- 7.1 The whole of the industrial estate is seen to be an established rural employment site, providing employment opportunities for not just this District, but also the South Cumbria and Craven Districts. It is well located between these, on principal roads connecting Cumbria and Scotland with West Yorkshire. In visual terms the impact of the site on the surrounding rural area is limited by the significant mature landscaping to the rear and units 1 and unit 3 which are located immediately to the north and south.
- 7.2 Unit 2 has been operating as the above for a number of years in which time there has not seen to be any major or significant impact as a result of the subdivision of the units. Three of the units are being occupied for storage only and whilst they do attract vehicle movement, these do not appear to be regular or over-intensive. Additionally, the use of the units as proposed by this retrospective submission is not considered to create any adverse impacts such as noise or residential amenity impact.
- 7.3 This is reflected in the consultation responses of the County Highways Department and the Environmental Health Service. Neither have raised objection on highway or amenity grounds (the latter having considered all matters of environmental impact). Both, especially County Highways, will have paid regard to the cumulative impacts that arise from the site as a whole. However, County Highways are clear that the proposal does not warrant an objection on highway or traffic grounds. They recommend the imposition of a condition (compliant with Policy SC1 of the Core Strategy) to include cycle storage facilities in the yard area, thus providing an opportunity for cycle travel for any local employees.
- 7.4 The local planning authority has considered the views of the objector in reaching the recommendation on the following page. They have made comment that the business has circumvented the planning process and planning permission is now guaranteed. As Members of the Planning Committee know, this is incorrect and retrospective applications have been resisted before both by Members of the Planning Committee and by Planning Officers under delegated powers. It is true that retrospective applications do not aid the transparency of the planning process and the fact that a change of use has occurred without the appropriate consent is of course regrettable. But it is also true that Members and Officers alike have to consider the planning merits of the proposal. Refusing an application solely because it is retrospective in nature is not defensible and would almost certainly lead to costs being awarded against the City Council at appeal.
- 7.5 The planning merits include traffic and other amenity impacts. The statutory consultees have considered both and have no objections. However, the local planning authority believes further safeguards need to be in place before recommending the grant of consent. Firstly, that permitted development rights for commercial business be removed so that the yard area cannot be built upon. Secondly, the permission should in each case be made personal to the business currently contained therein. This will prevent more traffic-intensive uses (still potentially within the same use class)

occupying the units in the future, and will ensure that any future use will be subject to a planning application for consideration of any impacts.

- 7.6 As an aside the objector also refers to limitations (conditions) placed upon their own business (a pottery studio). Whilst this isn't a matter relevant to the current application, it is open to them to re-apply for an extension of their business should they believe that this is now necessary and can be accommodated without detriment to their neighbour(s).

8.0 Planning Obligations

- 8.1 None.

9.0 Conclusions

- 9.1 There are no objections to the development from statutory consultees. Most importantly the Environmental Health Service has concluded that with the imposition of a suitable condition to restrict the hours of operations within the site they would not raise objections to the development.
- 9.2 The retrospective units are seen to operate without any major adverse or detrimental impact on the surrounding amenity and countryside area or on the nearby residents in close proximity to the entrance of the site.
- 9.3 It is considered therefore that this proposal can be supported, subject to the conditions referred to in paragraph 7.5 of the report and also listed below.

Recommendation

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

1. Development to be carried out in accordance to approved plans
2. Amended plans/Further details provided on 25th August 2010
3. Personal permission restricting occupancy of the units as follows:

Unit 2a Alan Stephenson Coaches

Unit 2b Mortimer's Storage

Unit 2c Scott's Storage

Unit 2d La Maison Storage

Unit 2e Kirkby Lonsdale Brewery

with no further sub-division or amalgamation of units to occur without the express consent of the local planning authority.

4. Removal of permitted development rights of Part 8 of Schedule 2 of GDPO (industrial/commercial buildings)
5. No operations to occur before 0700 or after 1800 on any weekday, Saturdays nor at all or on Sundays or bank holidays.
6. No vehicular movements to or from the site between 00:00 and 06:00
7. All vehicles to be parked within the yard area and no parking on the access road or surrounding highways
8. Related loading and unloading as granted in app 96/00135/FUL shall be kept available at all times
9. Use of buildings to be kept limited to light industrial, business and storage only as indicated on approved plan
10. No work to be carried out side of the buildings on site
11. Details of the parking of mini buses and car parks shown on plan to be provided and available within one month of the date of this permission
12. Details of covered cycle storage to be provided and retained on site – details to be agreed in writing.

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>A19</p>	<p>Committee Date</p> <p>20 September 2010</p>	<p>Application Number</p> <p>10/00542/FUL</p>
<p>Application Site</p> <p>2 Sunny Hill</p> <p>Westbourne Road</p> <p>Lancaster</p>	<p>Proposal</p> <p>Erection of a five bed dwelling house and the formation of a new improved access</p>	
<p>Name of Applicant</p> <p>Mr D Howard</p>	<p>Name of Agent</p> <p>N/A</p>	
<p>Decision Target Date</p> <p>17 August 2010</p>	<p>Reason For Delay</p> <p>Considered at last committee – then subject to site visit</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>The previous committee report is provided again, and is unaltered in content except for the addition of paragraphs (a) to (e) which explain the procedural matters and outstanding information, and the addition of a background paper at the end of the report.</p> <p>Planning permission was granted on 23 August 2010 for the proposal.</p> <p>Further information will be verbally available to Members on 20 September 2010.</p>	

(i) Procedural Matters and Update

- (a) This application was referred to the Planning Committee by the Head of Regeneration and Policy for consideration on 23 August 2010 on the basis that the previous outline consent was determined by Members in April 2010. The previous outline application was referred because the applicant was in dispute with the local planning authority regarding the manner in which the Service has dealt with previous applications.
- (b) **The main body of the report below is unaltered in content from August 2010.** The applicant has submitted amended proposals relating to the undertaking of works to the protected yew tree at the site access. It is anticipated that these will have been considered by the statutory consultees in time for the September meeting and they will be reported verbally to Members.

- (c) Members will also have had the opportunity to visit the site and view the tree for themselves at the site visit arranged for 13 September 2010. In the meantime, an independent arboriculturist has been commissioned by the Head of Regeneration and Policy to assess the condition of the specimen, by virtue of the fact that there is a dispute over the condition of the tree, and their findings will be made public and will be available to the Committee in time for the meeting.
- (d) Members will also note that there is one addition to the previous committee report; a **background paper** which is a report by the applicant's own arboriculturist Luke Steer of Treescapescapes Consultancy Ltd.
- (e) Finally, Members are advised that following the presentation of verbal updates referred to in (c) above, should there be any decision to permit the full removal of the tree, then there will be a requirement for compensatory planting at a ratio of 3:1 as standard.

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application for full planning permission relates to a 0.1ha site situated within an area of Lancaster City known as Cannon Hill. It is an area predominantly characterised by low density large Victorian houses surrounded by mature trees and set within relatively extensive garden plots. There is a diverse range of building types in this area including The Knoll - one of the first redbrick built houses in Lancaster; Westbourne House – one of the earliest examples of concrete house construction; Laurel Bank – one of the finest, grand stone-built terraces in the North West; the 19th century random rubble stone properties at Abraham Heights Farm and; the 1980's detached brown brick properties on Orchard Lane. A number of these properties are of significant architectural and historic merit and are recognised by their grade II listing.
- 1.2 The application site forms part of the original domestic curtilage to 2 Sunny Hill and was formally an orchard. No. 2 Sunny Hill is one of a pair of semi-detached mid-Victorian properties served by a private, un-adopted lane (Sunny Hill) which runs the length of the eastern boundary. The road is accessed off the south side of Westbourne Road approximately 70m west of Westbourne Drive, which runs parallel to Sunny Hill at a lower level. At present this private lane is an unmade road, narrow with substandard visibility in both directions at the junction with Westbourne Road, although the applicant has commenced work to the access and at the time of compiling this report the existing wall had been demolished with a new access formed. The applicant has started re-building the wall behind visibility splays specified in both the current application and the previous proposal. This matter will be discussed later in the report.
- 1.3 Sunny Hill comprises a single pair of semi-detached properties – 1 and 2 Sunny Hill, constructed in stone under slate at three storeys high. These properties are situated hard up against the western boundary with ample land to the front and sides. They occupy a rather imposing and elevated position, orientated to face east towards the City Centre over properties on Westbourne Drive. The application site itself is bound by Orchard Lane; a private access road which runs along the southern boundary and leads to three large modern detached properties, the random rubble stone wall separating the site from The Knoll along the western boundary; 2 Sunny Hill to the north, and properties on Westbourne Drive to the east. The boundary treatment, with the exception of the western boundary, consists of trees, shrubs and hedges of Hawthorn, Holly and Beech.
- 1.4 The site has a constant and uniform slope of approximately 1 in 12 running perpendicularly down from the west boundary to the almost parallel eastern boundary, with negligible deviation in level between the north and south boundaries of the site.
- 1.5 The trees along the western boundary are all protected by TPO No. 118/G2 and are located within the grounds of The Knoll. There are also protected trees close to the site access (TPO No: 2005/376/T3) and mature trees along the eastern side of the private lane which are not protected. There has been a recent appeal decision relating the trees at the access onto Sunny Hill which is relevant to the application and shall be discussed in section 3.0 and 7.0 of this report.
- 1.6 At present the site is unallocated in the Lancaster District Local Plan. It should be noted however that the area in which this application is proposed is under consideration for conservation area status with all the consultation now completed. Notwithstanding this, the conservation area designation has

not yet been granted formal resolution by the local planning authority.

2.0 The Proposal

- 2.1 Full planning permission is sought for the erection of a five bedroom detached dwellinghouse and the formation of a new improved access at the junction with Westbourne Road.
- 2.2 The proposed dwelling has a rectangular footprint, somewhat larger than the adjacent pair of properties, positioned centrally on the plot tight up against the western boundary with a 1.5m set back behind the building line of 1 and 2 Sunny Hill. The layout plan indicates a footprint of 8.5m (depth) by 20m (length) with the ground floor levels set approximately 1.2m below the existing ground floor levels of the adjacent properties on Sunny Hill. The height of the main part of the building is approximately 6.7m, increasing to approximately 8.8m to account for the third storey element of the scheme. The proposed dwelling employs a contemporary modular approach to the design, using a simple palette of materials including a white and grey render, cedar boarding and glass. The proposed accommodation is split over three floors comprising two large reception rooms at ground floor level, together with utility/storage space and WC; an en-suite master bedroom, three further bedrooms with a bathroom at first floor level and; a guest bedroom, shower room and study at second floor level. The flat roof nature to the design allows for the creation of two grass roofs – one over the main part of the dwelling and a smaller area over the flat roof that forms the third storey cedar clad pod. The scheme also incorporates a flat roof single storey garage which shall be linked to the main dwelling with external walls only.
- 2.3 The design and access statement also indicates that due to the 1:12 slope of the site, landscaping and re-grading of the plot will be required. This will be arranged into a series flat lawned terraces with the internal lawn boundary heavily planted and the existing hedgerows enclosing the site retained. The submitted sections demonstrate how this arrangement will be achieved.
- 2.4 This full planning application also seeks permission for alterations and improvements to the access consisting of closing up the existing access and relocating it 3m further up Westbourne Road; widening the access to 4.5m; setting the gateposts back 3m from the edge of the kerb and demolishing and rebuilding the boundary walls in order to achieve 25 visibility splays in both directions; together with improvements to the pavement at the junction (splaying and realigning of the kerbstones).
- 2.5 The proposed development would result in a number of trees being removed. This consists of two groups of trees (comprising Elder, Holly, Hazel, Hawthorn, Yew and Sycamore) at the access, another group of trees (Apple and Cherry) located in the plot itself and a Sawara Cypress tree located in front of 2 Sunny Hill. An Arboricultural Method Statement and Tree Protection Plan have been submitted with the application and are read in conjunction with the Arboricultural Implications Assessment dated 25 March 2010. This indicates that the Yew tree located on the east side of the proposed new access and trees T4 – T6 shall be retained and protected, together with the trees along the eastern boundary of the lane (G7, T10 and T11).

3.0 Site History

- 3.1 An outline application was submitted to the Council in March last year for the erection of a five-bed dwellinghouse. This application was refused on the 7 May 2009 for the following reason:

The proposed development would lead to an increased use of the existing vehicular access to the site which, without improvements to the site lines and the formalising of passing places, would lead to additional pedestrian and vehicular conflict. Utilising this existing substandard access would be seriously detrimental to highway and pedestrian safety, particularly at the junction with Westbourne Road. Subsequently the proposed development fails to make satisfactory access arrangements and is therefore considered contrary to policy H19 and Supplementary Planning Guidance Note 12 'Residential Design Code' of the Lancaster District Local Plan.
- 3.2 The Planning Inspector concluded that *any increased usage of the access without improvements to the visibility would be harmful to highway and pedestrian safety* and subsequently dismissed the appeal.
- 3.3 During the course of the appeal process, a revised scheme was put to the Local Planning Authority

which involved the relocation of the access up the hill and the subsequent loss of 14 trees close to the site access. At this time, Officers were seriously concerned about the loss of trees and the impact on the wider visual amenities of the locality and advised the applicant that such a proposal would not be supported. Rather than submitting a revised planning application, the applicant chose to apply to remove these trees via an *Application for tree works: works to trees subject to a TPO and/or notification of proposed works to trees in a conservation area*. This was refused by the Council on the grounds of their significant contribution to the character and amenity value of the wider landscape; their greening and screening function between the adjacent residential property and the public highway; and their overall good condition and longevity. The applicant appealed this decision.

- 3.4 An Arboricultural Inspector appointed by the Secretary of State concluded that 6 of the appeal trees within group G3 (close to the derelict garage) were in a poor condition and did not have a significant amenity value. In relation to these trees the appeal was allowed. The Inspector did however consider the Yew Tree T3 at the access a significant amenity feature and dismissed the appeal in relation to this particular tree – commenting that the tree could be retained with minor amendments to the design of the access to prevent any undue harm.
- 3.5 In light of the above planning history, the applicant submitted a revised outline application for the access only and all other matters reserved. This application resolved the highway issues and outlined how the new access could be provided without undue harm to the protected trees. Members supported this application in April this year.
- 3.6 The applicant has now applied for full planning permission for the erection of a dwelling and alterations to the access. The proposal varies slightly from the outline and incorporates a single storey detached garage to the side of the dwelling and slight changes to the access arrangement.
- 3.7 Since the submission of this application on the 22 June 210, the applicant has commenced work on site. The work carried out to date involves a significant amount of excavation to the upside of the protected tree, the formation of an access, the creation of a retaining wall and the relocation of the stone boundary walls. It appears that the works carried out on site relate to this pending proposal and not the outline permission which granted a conditional consent for the access only. Furthermore, the applicant has failed to undertake the work in accordance with the previously submitted Tree Protection Plan and Arboricultural Method Statement. As a consequence it appears that the protected Yew tree at the access has been damaged. This is a matter your Officers are currently investigating. A verbal update will be provided for Members at the committee meeting.
- 3.8 For information, Members may be interested to know that an outline application for a single dwelling on land between No. 1 Sunny Hill and Westbourne Road has now been submitted but is still pending consideration. The table below summarises the above planning history:

Application Number	Proposal	Decision
09/00196/OUT	Outline application for the erection of a five bed private dwelling and associated landscape works	Refused and later dismissed at appeal. (Delegated)
09/0089/TPO	The application proposed the removal of 14 trees subject to TPO 118/G3 and 2005/376/T3.	Refused. The applicant appealed the decision with the Planning Inspectorate allowing the appeal in relation to 6 trees in G3 and dismissing the appeal in relation to T3 of the 2005 TPO. (Delegated)
09/01186/OUT	Outline application for the erection of a five bed private dwelling and associated landscape works	Outline permission was granted for the access only (all other matters reserved). Permission was granted subject conditions requiring the development to be carried out in accordance with the approved plans with various conditions precedent. (Committee)

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objections. The proposal is effectively the same in highway terms to the previous approved outline permission. Conditions regarding the closing up of the existing access; provision of the new vehicular access, turning area, garaging and parking; and the provision of 25x 2m visibility splays should be imposed in the event that the application is approved.
Environmental Health	Recommends refusal on the grounds that no desk top study has been submitted. In the event approval is granted an hours of construction condition is required.
Tree Protection Officer	Additional information in respect of tree protection measures to be submitted to support the submitted Arboricultural Method Statement (AMS). Subject to receipt of this, conditions regarding implementation of the AMS, tree protection and landscaping to be imposed.
United Utilities	No response received from United Utilities - current standing advice states that where no response is received this means that there are no United Utilities assets in the location and therefore there is no objection. UU commented on the outline permission and requested the development be drained on a separate system. Conditions relating to site drainage were imposed on the outline consent and as such will be repeated in the event that the submitted scheme is approved.

5.0 Neighbour Representations

5.1 At the time of compiling this report, 3 letters of representation have been received. Two of these letters raise objections to the proposed development. The reasons for opposition are as follows:

- The design and use of materials are inappropriate. The development should be built with similar materials and style to those around it, particularly given the sites potential conservation area status and proximity to The Knoll (listed building).
- The modern design will set an undesirable precedent for future development which will have ramifications for the conservation area.

The other letter submitted does not raise objections to the scheme but stresses the importance of high quality materials and appropriate landscaping to allow the building to sit comfortably within its setting. Concerns are still raised regarding construction traffic, highway safety and disturbance and the detailing of the new wall to the access.

6.0 Principal Development Plan Policies

6.1 Lancaster District Core Strategy

Policy SC2 (Urban Concentration) seeks to build healthy sustainable communities by focussing development where it will support the vitality of existing settlements, regenerate areas of need and minimise the need to travel. This policy seeks to accommodate 90% of new dwellings within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy SC4 (Meeting the Districts Housing Requirement) sets out the principles which will ensure housing needs are met through housing allocations and determining planning applications. This policy seeks to identify housing land and manage the phased release of housing land in accordance the Regional Spatial Strategy.

Policy SC5 (Achieving Quality in Design) seeks to maintain and improve the quality of development throughout the District by ensuring new development is of a quality which reflects and enhances the

positive characteristics of its surroundings.

Policy ER7 (Renewable Energy) seeks to promote micro-renewables through the development control process and determining planning applications.

Policy E1 (Environmental Capital) seeks to safeguard and enhance the Districts Environmental Capital by ensuring that development in the city of Lancaster and other historic areas conserves and enhances a sense of place. This policy also indicates that the Council will resist proposals which would have a detrimental effect on environmental quality and public amenity.

Lancaster District Local Plan

Policy H19 (Development on Small Sites in Lancaster, Morecambe, Heysham and Carnforth) states that new residential development within existing housing areas will be permitted which;

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

Supplementary Planning Guidance Note 12 'Residential Design Code' sets out the Councils design guidance for new residential development.

National Planning Policy Statement 3 (Housing) is also relevant in the determination of this application. This policy sets a number of objectives. High quality housing and good design is one of them. PPS3 also states that a key objective of Local Planning Authorities is to make effective use of land by re-using land that has been previously developed. The newly adopted PPS3 (June 2010) has removed private residential gardens from the definition of previously developed land.

7.0 Comment and Analysis

7.1 Principle of Development

The Council seeks to build and maintain sustainable communities through a strategy of Urban Concentration whereby 90% of new dwellings to be accommodated within the existing urban areas of the District. In the context of the Districts housing policy, the principle of constructing a new single dwellinghouse in this location raises no significant planning concerns. The site is in a sustainable location on the edge of the city centre with the principle of development recently granted through the outline consent. However since granting this consent, there has been a slight change in national policy, with private gardens now excluded from the definition of previously developed land. PPS3, Policy SC2 and SC4 of the Core Strategy all seek to encourage new development on previously developed land. Notwithstanding this, PPS3 does not exclude development on garden land outright nor does it state that garden land is 'greenfield'. In which case each case must be determined on its own merits with regard to the Development Plan and any material considerations. In this case, the principle of a dwelling on the land adjacent to No. 2 Sunny Hill has been established with the recent approval of outline consent. It was determined earlier this year that the plot was capable of accommodating a single dwelling without undue harm to neighbouring residents or adversely affecting the character and appearance of the area. These circumstances have not changed and whilst it could be argued that there is sufficient housing land available to enable individual sites to be resisted, there are no grounds to resist such development in this case.

7.2 In light of the fact that the principle of the development has been accepted, the principal issues for Members to consider in the determination of this application relate to the design and appearance of the proposed dwelling.

7.3 Character and Appearance

Since the last application was determined proposals for the Cannon Hill area to be afforded conservation area status have progressed, with consultation on the proposal completed. As a consequence Officers have been mindful of this and consider it a material consideration in the determination of the submitted application.

- 7.4 Cannon Hill, which developed as a low density suburb in the mid-late 19th-century, has survived largely intact with high quality historic buildings. The mature woodland, extensive gardens and boundary walls provide equally important unifying factors in this area. The pattern of built form is characterised by the density of development increasing gradually downhill from The Knoll. Sunny Hill sits below The Knoll and serves two semi-detached Victorian properties constructed over three stories built in stone under slate with intricate architectural detail. 1 and 2 Sunny Hill are largely unaltered. They are positioned centrally up against the western boundary with large extensive garden plots to either side.
- 7.5 The low density built form and the apparent street pattern of the Cannon Hill area is clearly what makes it so unique from elsewhere within the City and as a consequence is one of the main reasons for considering the area for conservation area status. In plan form Sunny Hill appears to be subdivided into four plots, namely 1 and 2 Sunny Hill and two plots to either side of these properties. The submitted application relates to the development of the far plot, which was formally garden land to 2 Sunny Hill. The development of this plot is going to reduce the size of the curtilage associated with 2 Sunny Hill and create an additional dwelling on this site. Notwithstanding this, the two plots created remain substantial in size with ample space around them so as not to undermine the low density characteristics of the Cannon Hill area. Indeed evidence has been shown that the original intention was to build on this plot many decades ago.
- 7.6 The layout of the development is marginally different from the outline consent. In fact the dimensions of the dwelling are slightly smaller, but with the additional garage, the overall footprint is now slightly greater. This however raises no significant planning issues. The most controversial element of the proposal, clearly relates to the design of the dwelling. The applicant has purposefully avoided designing a dwelling which is of similar style to the nearby Victoria properties. The proposal takes a very modern approach to developing the site employing contemporary forms, materials and construction technologies. This in isolation is commendable and clearly constitutes good design as advocated by national planning policy and our local plan policy SC5. However for a scheme to be of truly good design it should have regard to its setting. In this case, despite some disagreement from neighbouring residents, this innovative approach to the site works well in this location. The site is heavily screened from the public highway (Westbourne Road) and is only visible from neighbouring gardens and Orchard Lane – even then there is natural landscaping to help screen the site. The use of contrasting materials and large areas of glazing to the proposed dwelling simply enhances and brings out the special architectural detail of the important surrounding properties, in particular 1 and 2 Sunny Hill.
- 7.7 To ensure the special historical and architectural qualities of 1 and 2 Sunny Hill are not jeopardised by the erection of a new dwelling on the application site, the scale of the development has been respectfully designed to maintain a subordinate relationship with the neighbouring properties, whilst holding its own identity and presence within the plot. The highest part of the dwelling, which in itself is a small pod located on top of the main part of the dwelling, is located just below the eaves of the neighbouring property, with the main part of the dwelling no higher than the middle of the first floor windows. Similarly, the building line set by the frontages of 1 and 2 Sunny Hill has been retained, with the proposed dwelling set back approximately 1.5m from their principal elevations.
- 7.8 The development is arguably not conventional in terms of form, design and use of materials (stone buildings under slate pitched roofs), but this does not mean that the development is inappropriate; regard has to be paid to the site context. Modern, high quality design can equally add to the positive characteristics of an area. This site lends itself to be developed in an innovative fashion without undue harm to the area. However it is acknowledged that the matter of design can clearly be subjective and it is inevitable that some may disagree with your Officers opinions regarding this. However, on the basis that the site is relatively well screened and that the design in itself has a respectful relationship to the neighbouring properties, a refusal of planning permission on design grounds would be difficult to substantiate.
- 7.9 The location of the proposed access was granted consent under the outline permission. The only change relates to the design of the access arrangement, in particular the form of the new walls fronting Westbourne Road. The previous outline consent showed the new walls (both the upside and low side of the access) curving into the site. The current scheme shows the wall to the upside of the access concaved with a raised planter to the front with the wall to the low side designed as previously approved. From a streetscene perspective, amendments have been requested to revise the upside of the access to create a symmetrical and simplified arrangement. Such amendments

would respect the form and appearance of this boundary wall, which is an important design feature within the Cannon Hill area. At the time of compiling this report, the applicant had verbally informed Officers that he was not prepared to amend this access. The applicant believes that the proposed design provides enhanced pedestrian visibility and that there are other accesses within the immediate vicinity with similar asymmetrical characteristics. This is disputed. On the south side of Westbourne Road the majority of the accesses up Cannon Hill have a symmetrical design; whether concave or convex in appearance.

7.10 In the history section of this report, it was noted that work has already commenced on site. The development carried out relates to the proposed access arrangement with the concave section of wall already completed. This whole situation is regrettable, and whilst our intention is to enhance the appearance of the access through the suggested amendments, a refusal of planning permission because of the design of the access arrangement would be difficult to support. Notwithstanding this, it is the intention that the new walls will be rebuilt in natural reclaimed stone. This is evident on site.

7.11 With regards to the re-grading and landscaping of the site, despite some neighbouring concerns, the formation of terraced lawns and the sweeping drive would not cause an adverse impact on the visual amenities of the locality. As noted earlier the site is well screened from public view. A refusal of planning permission on the grounds of landscape and character impact would be difficult to substantiate in these circumstances and particularly given previous development of the Cannon Hill area over recent years. It is proposed that a landscaping condition be imposed if Members are minded to grant planning permission.

7.12 Based on the above considerations in respect to the design and appearance of the proposed dwelling and landscaping, the proposed development is considered compliant with the policies E1 and SC5 of the Core Strategy and H19 of the Local Plan. With regards to the access arrangement, the proposed development could be significantly improved as noted above, however given that this is the only element that raises concern, this alone would not be sufficient to refuse the application.

7.13 Neighbouring Amenity

The proposed dwelling is surrounded by residential properties to the north (2 Sunny Hill), east (Westbourne Drive) and south (Orchard Lane) with separation distances of approximately 14m, 33m and 26m respectively. The Knoll, which is currently occupied as offices, is located to the west of the site and is a sufficient distance from the proposed development. It is also sufficiently screened by mature woodland along this boundary.

7.14 Despite previous concerns regarding overlooking and loss of privacy during the determination of the outline application, none of the neighbouring residents have raised objection on loss of residential amenity grounds to the current proposal. The principal elevation is fully glazed and provides the primary habitable accommodation with plenty of natural light. The windows to the side elevations and to the rear serve the internal circulation areas and non-habitable rooms only, with the exception of a kitchen window at ground floor level, which would be screened by the boundary treatment between this site and 2 Sunny Hill. Due to the scale of the proposed development, its position within the plot, the topography of the area and existing landscaping, the relationship of the development to neighbouring residential properties is considered compliant with policy H19 and SPG 12 of the Local Plan. The only matter which does raise concern, is the potential use of the flat roofs as external sitting-out areas. Using the grass roofs as additional amenity space would result in elevated overlooking into the only private garden area to 2 Sunny Hill. This would be unacceptable and as such it is proposed that a condition be imposed to prevent the use of the flat roofs for this purpose. A further condition would be required preventing the insertion of any new windows on the side elevation facing this neighbouring property, as 2 Sunny Hill has some habitable windows facing the application site.

Subject to these appropriate conditions, the erection of a new dwelling in this location in the manner proposed would not significantly harm neighbouring residential amenity.

7.15 Highway Safety

The existing access to Sunny Hill is narrow and has substandard visibility in both directions. During the determination of the first outline application it was concluded that an additional dwelling in this location, accessed via a narrow private road which suffers poor intervisibility, would pose a risk to

highway safety and as such was refused. The Planning Inspector equally found the existing access to be inappropriate to accommodate a further dwelling and therefore dismissed the application. In light of this, a further outline application was submitted which proposed to close off the existing access and relocate a widened access 3m up the hill. This was permitted by Members in April this year. The access proposed as part of the current scheme remains principally the same (location and width) as the access approved under the outline application. As such County Highways have raised no objections to the proposal provided conditions are imposed, as noted in the consultation section in this report.

7.16 The site layout provides sufficient car parking to adequately comply with the Council's parking standards. The application also indicates that 5 cycle spaces will be provided in the curtilage of the dwelling.

7.17 Trees

As noted in the history section of this report, an application to fell protected trees has been determined at appeal where 6 of the protected trees were allowed to be felled and the one tree at the site access (T3) to be retained. Replacement planting is indicated in this appeal decision and amounts to three oak trees and holly trees to be planted within twelve months of felling. This appeal decision is separate to the submitted application and as such the replacement planting is not shown on the proposed plans. To account for the other trees which are to be felled, if Members are minded to support the proposal, a landscaping condition should be imposed requiring details of hard and soft landscaping including replacement tree planting.

7.18 The protected tree of the 2005 TPO, which is identified for retention in the latest appeal decision, (ref: TPO 376/2005 T3) is located in very close proximity to the new access. A load bearing surface is proposed to be installed to reduce the potential impact on root systems within the root protection areas of T3 in relation to construction of the access and trees T10 and T11 in front of the proposed dwelling. Further details to support the submitted Method Statement regarding how the existing access will be developed and the method for installation of the 'special surface' have been requested. This detail was particularly important with regards to how the load bearing system would be constructed at the access so close to the protected Yew tree. Excavation at the access has been carried out with damage to this tree clearly evident. The detail is still needed however to ensure other trees on site are not damaged. The outcome of this shall be verbally presented to Members. Despite this, if Members are minded to approve the development, conditions are required relating to tree protection measures, the method statement and landscaping.

7.19 Subject to the submission of satisfactory information, the proposed development and subsequent loss in trees can be adequately mitigated through an appropriate landscaping scheme to be agreed by condition.

7.20 Sustainability

With regards to sustainability, the application indicates that the house will far exceed the requirements of the current building regulations in terms of energy use and conservation by employing a number of techniques that include:

- Ground source heat pumping;
- Heat exchange ventilation to minimise heat loss;
- High levels of thermal insulation and air-tightness to minimise heat loss;
- High thermal mass to passively achieve required diurnal temperature changes and;
- Rainwater collection.

This indicates a sound commitment to achieving a low carbon property on this site and is therefore compliant with policy SC1 (Sustainable Communities) of the Core Strategy. In line with other residential applications in the district, it is also considered that the standard conditions are imposed; that is that the properties should meet at least Code Level 3 for Sustainable Homes, and that at least 10% of the predicted energy demand for the development shall be met by on-site renewable energy measures.

7.21 Other Matters

Concerns regarding potential noise and disturbance from construction are inevitable for a period of time in any development. In order to prevent undue harm, a planning condition should be imposed limiting the hours of construction in the interest of neighbouring residential amenity. There are similar concerns regarding the use of the existing lane for construction traffic. Whilst this is not entirely a planning matter, there is an argument to suggest that in the interests of highway safety, the proposed access should be provided before development commences rather than prior to occupation. This can be delivered by an appropriately worded condition and is clearly the applicant's intentions given the work already carried out on site.

8.0 Planning Obligations

- 8.1 The development proposal falls below the requirements for any on-site or off-site contributions towards highway infrastructure or affordable housing.

9.0 Conclusions

- 9.1 The principle of a dwellinghouse on this site has been established through the granting of outline consent earlier this year. The main considerations for Members to consider are whether the scale, design and layout of the development is appropriate in this location. Having had regard to the special historic and architectural qualities of the Cannon Hill area and considered the relationship of the development to neighbouring residential properties, Members are advised that, despite the regrettable situation over the access walls and the preserved tree, the development now being proposed is compliant with the policies contained in the Development Plan and as such the proposal should be supported.

Recommendation

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

- 1 Standard time limit
- 2 Development to accord with the approved plans and supplementary documents
- 3 Precise details/samples of all external materials including window sample
- 4 Access to be provided prior to commencement of development and retained at all times thereafter
- 5 Existing access to be permanently closed off when the new access is operational
- 6 Provision of parking and turning to be provided in full and retained
- 7 Visibility splays to be provided and maintained at all times
- 8 Site to be drained on a separate system and details of the surface water drainage to be submitted and agreed with the LPA
- 9 Tree Protection Condition
- 9 Development to be carried out in accordance with the AMS
- 10 Standard landscaping condition
- 11 Existing stone and copings from the wall fronting Westbourne Road to be reused unless otherwise indicated in writing with the LPA
- 12 Unforeseen contamination condition
- 13 Construction hours condition
- 13 Properties to meet at least Code Level 3 for Sustainable Homes
- 14 No development until a scheme for measures to incorporate at least 10% of the predicted energy requirements via on-site renewable sources is agreed.
- 15 The roof of the development shall not be used as a balcony or as a sitting-out area, nor shall the flat roof be physically enclosed
- 16 No windows or doors to be inserted in the elevation facing 2 Sunny Hill without express consent from the local planning authority.
- 17 Removal of PD rights (Parts 1 and 2)

Human Rights Act

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

Background Papers

1. Letter (and photos) from Luke Steer, Treescapes Consultancy Ltd, dated 16 August 2010.

Treescap~~es~~ Consultancy Ltd.

Melbourne
17 Millans Park
Ambleside
Cumbria
LA22 9AG
Telephone 015394 34698 (Office)
07734 113964 (Mobile)

16 August 2010

To: Mr D. Howard
Netherleigh
Westbourne Road
Lancaster
Lancashire
LA1 5EF

Dear Mr Howard

PLANNING APPLICATION TO CONSTRUCT A HOUSE AT SUNNYHILL, LANCASTER – TREES

Thank you for asking me to meet you at Sunnyhill last week and copying to me the correspondence with Lancaster City Council (LCC). LCC have requested the following additional information about the protection of the trees during the development phase:

1. the actions that will be taken to protect roots exposed by excavations to install the load bearing surface adjacent to T1, T10 and T11;
2. how damage and desiccation of tree roots will be prevented during excavation works;
3. the erection of the tree protective barrier; and
4. arboricultural supervision of work that may affect trees.

Before I discuss the requested information I will provide an updated assessment of T1, yew. When my colleague Alistair Hearn first inspected this tree it was covered in ivy and surrounded by shrubs, as it was when the Inspector from the Planning Inspectorate visited the site. Alistair noted in his report that there were some bark wounds that were starting to decay between 1.5 and 2.5m on the north-west. He assessed these to have 'Minor' significance. Removing the ivy has exposed this part of the tree's trunk to reveal a 2m high by 30cm wide decaying canker. The stem at this point is flattened and the weight of crown above it is biased to the west (please see the attached photographs). I consider that this canker is the most likely point at which the tree would fail during a windstorm and the failed part would land on the proposed drive, roadside pavement and road. I consider that this defect is significant and consequently, using the guidance contained in BS 5837 (2005), I have assessed its retention category to be R rather than B1 as in our initial report. BS 5837 (2005) recommends that trees in retention categories A and B should be material considerations whereas those in C and R should not be. It also recommends that those assessed to be in retention category R should be removed prior to the commencement of the development process. I recommend that this tree should be removed or, if you'd like to keep it, its crown should be significantly reduced by 4-5m; this will dramatically alter its appearance. Whatever your decision about whether to remove this tree or reduce and retain it I consider that this tree shouldn't affect the LPA's decision about whether or not to grant consent for your proposals.

1. Actions to protect roots

I note that the existing ground levels, except for a small ridge of soil near T1, are suitable for installing the load bearing road sub-base without requiring further excavations. I suggest that the ridge of soil near T1 should be excavated with a pneumatic air lance such as a Soil Pick or Airspade. Excavations should take place to such an extent as to allow exposed roots to be

bent to below the level of the load bearing sub-base. Once excavated they should be bent to the required level, covered with soil and weighed down. When the sub-base is to be laid the weights should be removed and the three dimensional cellular confinement material installed as recommended by its manufacturer.

2. Preventing exposed roots from drying out

Other than the situation discussed above no excavations are expected within the RPAs of retained trees. If excavations are required an Arboricultural Consultant will assess the situation, prepare a method statement that will be submitted to the LPA, and no work will take place until it has the approval of the LPA.

3. Erection of tree protective barrier

The tree protection barrier will be erected prior to the commencement of the development phase and will stay in place until after it has been completed. Once the tree protective barrier has been erected the LPA will be informed and no work will take place until they have approved it in writing. If the tree protective barrier has to be moved during the construction phase an Arboricultural Consultant will be instructed to specify its location and, once erected, the LPA will be informed and no work will take place until its new location has been approved.

4. Arboricultural supervision

Arboricultural supervision will take place at key stages in the development process and their observations will be reported to the LPA:

1. the erection and re-location of the tree protection barriers;
2. the planning of the underground services;
3. excavation of trenches for the underground services;
4. the installation of the load bearing drive sub-base;
5. the completion of the development phase prior to the dismantling of the tree protection fence; and
6. any other activities that take place closer than 1m from the edge of the RPA of a retained tree or 3m of its canopy.

With regard to the installation of the load-bearing drive sub-base it will be installed in accordance with the manufacturer's instructions.

I trust that the contents of this letter will provide all the information that the LPA require. Please ask them to contact me directly if they would like to discuss it.

Yours sincerely



Luke Steer
Chartered Arboriculturist
Email: luke.steer@treescapconsultancy.co.uk







<p>Agenda Item</p> <p>A20</p>	<p>Committee Date</p> <p>20 September 2010</p>	<p>Application Number</p> <p>10/00773/DPA</p>
<p>Application Site</p> <p>Maritime Museum St Georges Quay Lancaster Lancashire</p>	<p>Proposal</p> <p>Strengthening works to the third floor of right hand bay to provide for heavy picture racking used for storage of museum items</p>	
<p>Name of Applicant</p> <p>Lancaster City Council</p>	<p>Name of Agent</p> <p>Mr Joe Parkins</p>	
<p>Decision Target Date</p> <p>23 September 2010</p>	<p>Reason For Delay</p> <p>N/A</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approved subject to deferral to GONW</p>	

1.0 The Site and its Surroundings

- 1.1 Lancaster's Maritime Museum is located on St George's Quay, on the south bank of the River Lune.
- 1.2 Buildings along St George's Quay have a number of different uses, including C3 (residential), A3 (restaurants) and A4 (pubs). The road forms the main access from the city centre to the industrial area to the west known as the Lune Industrial Estate. An infrequent bus service runs along the road, though the city's bus station is less than a 5 minute walk away and the train station is within a 10 minute time. The quay also forms part of the Lancaster-Glasson (Lune Estuary Path) cyclepath.
- 1.3 The Maritime Museum is a Grade 2 Listed building within the Castle Conservation Area. The area in which the museum is located is also designated as a Tourism Opportunity Area. The River Lune to the north is a County Biological Heritage Site and the Quay Meadow Sports Ground is allocated as an Urban Greenspace, a Key Urban Landscape and an Outdoor Playing Space.

2.0 The Proposal

- 2.1 This application seeks Listed Building Consent for the installation of steel beams to reinforce the third floor to carry a racking system for the storage of paintings.
- 2.2 It is proposed to crane the steel beams into the building through existing window openings, thereby minimising the alterations required to the Listed building. The only intervention required to the existing fabric of the building would be the bolting of the steel beams into the existing main timber beams. The beams would then be clad to meet Building Regulations.

3.0 Site History

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

Application Number	Proposal	Decision
83/00072/HST 83/00073/HST	Conversion of theatre/store to maritime museum with various alterations	Permitted
96/00617/DPA 96/00618/LB	Erection of extension to shop area and provide new pedestrian access	Permitted

4.0 Consultation Responses

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

Consultees	Response
English Heritage	This application should be determined in accordance with national and local policy guidance and on the basis of the Local Planning Authority's expert conservation advice.
Conservation Officer	No objection to the proposal. The work is necessary to facilitate the use of this floor as a store for the Museum Service. It is considered that the works will not have a detrimental impact on the character of the building (though they will result in minor alterations to the appearance of two floors) and, as has been stated in the Heritage Statement, the works are largely reversible should the building's use change in the future.

5.0 Neighbour Representations

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

6.0 Principal Development Plan Policies

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

PPS5 (Planning for the Historic Environment) - has superseded PPG15 and PPG16. The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS5 states that policies and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

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

Policy **E33** (Alterations or Extension of Listed buildings) - proposals involving external or internal alterations to Listed buildings which would have an adverse effect on the special architectural or historic character or interest of the buildings or their surroundings will not be permitted.

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

Policy **TO2** - St George's Quay is allocated as a tourism opportunity area, where the Council will direct new visitor attractions. Proposals which would prejudice the possibility of achieving new visitor attractions within these areas will not be permitted.

Policy **ER6** (Developing Tourism) - the Council will promote and enhance tourism development in the District by creating a high quality historic environment in Lancaster city centre.

Policy **E1** (Environmental Capital) - development should protect and enhance Listed Buildings and conservation areas.

7.0 Comment and Analysis

- 7.1 Lancaster Maritime Museum occupies the former Customs House and the two top floors of the adjoining warehouse with a postal address of 26 St Georges Quay. Extensive works were carried out by Lancaster City Council in the mid 1980s to refurbish the Customs House, create side and rear extensions and lift access to the adjoining warehouse to form a Maritime Museum. The buildings remain in the ownership of Lancaster City Council whilst Lancashire County Council occupy and provide the museum service.
- 7.2 During a recent survey of the fabric of Lancaster Maritime Museum (including the three former warehouses) it was found that heavy metal racking had been erected in part of the Museum store providing for vertical storage of paintings on a moveable racking system which allows easy access for retrieval. It was noted that the racking had been retro-fitted as the feet of the columns were sat directly on the carpet floor finish with a notable deflection of the adjacent floor. Structural calculations of the weight of the racking and that of the paintings stored within the system gave light to concern about the long term effects on the historic timber floor, the maximum permitted deflection of the main beams having been found to be overstressed by 44%. It was also noted that the columns of the racking system were positioned within a grid relating to the system and took no account of the position of the joists or main beams of the floor construction.
- 7.3 The paintings and racking system have now been removed and the main beams will in turn have relaxed. The strengthening works proposed are to the main beams to limit deflection and provide for supports to the columns of the racking system. The proposal is to bolt steel channel sections to either side of the main beams, full width, with further steel beams at right angles close to each wall to provide direct support by means of stub columns for the columns of the racking system above. To undertake these works will involve the removal of the modern plasterboard and skim ceiling on the underside of the floor thus enabling full access to the main beams to enable steelwork to be bolted to/through the main beams. Steel seating angles are also proposed either side of the ends of the main beams and connected to the new channel sections to transfer loads into the main supporting walls. The installation of the stub columns will require forming holes in the timber floor boarding sufficiently large to allow passage of the columns.
- 7.4 Building Regulations require that the elements of structure should achieve a fire rating of 1 hour. This will be addressed by the reinstatement of a fire resisting ceiling between the main beams and by overcladding the previously exposed main beams. On completion the only notable difference between 'before and after' will be the beam cladding and consequent loss of ceiling height under the beams. It is also argued that the works are reversible the evidence remaining would be holes through the beams which could be timber plugged thus showing detail of later alterations in association with a usage at that time.
- 7.5 The proposal seeks to preserve a heritage asset (a Listed building within a Conservation Area) with minimal intervention (as set out above), whilst maintaining a visitor attraction in a tourism area. The proposal is therefore acceptable in planning policy terms.

8.0 Planning Obligations

- 8.1 None.

9.0 Conclusions

- 9.1 The proposed work is necessary in order to resolve a storage problem within this Grade 2 Listed Building. The reinforcement works will not be visible, changing the internal appearance of the building minimally. As such, the works are fully supported by the Local Planning Authority's Conservation Officer.

- 9.2 In conclusion, this proposal would not adversely affect the character of the Listed Building. The works are considered sympathetic and it is on this basis that Members are advised that this application can be supported.

Recommendation

That the application be referred to Government Office North West with a recommendation that Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard Listed building consent timescale
2. Works to accord with approved plans

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
09/00078/CU	88 St Leonards Gate, Lancaster, Lancashire Change of use of shop and residential accommodation to 2 self contained apartments including the demolition of existing rear extension and erection of extension with balcony above to rear for Mr Gulam (Bulk Ward)	Application Withdrawn
09/00955/FUL	St Josephs Parish Hall, Aldrens Lane, Lancaster Renewal of temporary permission for the erection of a 2.4m high fence for Lancaster RC Diocesan Trustees (Skerton East Ward)	Application Permitted
09/00051/DIS	Lower Brow Top, Rakehouse Brow, Quernmore Discharge of conditions 3, 4, 5, 6, 7, 8 and 10 on approved application 09/00676/LB for Mr Andrew Dawson (Ward)	
10/00011/CU	111 High Road, Halton, Lancaster Change of use from funeral parlour to residential dwelling to include alterations and extension for Mr P. Yates (Halton with Aughton Ward)	Application Permitted
10/00012/LB	111 High Road, Halton, Lancaster Listed building application for change of use from funeral parlour to residential dwelling to include alterations and extension for Mr P. Yates (Halton with Aughton Ward)	Application Permitted
10/00011/DIS	University Sports Centre, Bigforth Drive, Lancaster University Discharge of condition 7 on application 08/00246/FUL - provision and implementation of surface water regulation system for Mr Alex Williams (University Ward)	Request Completed
10/00194/FUL	Newfield House, Middleton Road, Middleton Erection of a convenience store with associated car parking and the sale of hot food for Mr G. Golding (Overton Ward)	Application Permitted
10/00210/FUL	65/67 Crag Road, Lancaster, Lancashire Erection of a two storey side extension and single storey conservatory to rear for Mr J Short (Bulk Ward)	Application Permitted
10/00221/FUL	Ireby Hall, Cowan Bridge, Kirkby Lonsdale Erection of an agricultural building for Mr A Fawcett (Upper Lune Valley Ward)	Application Permitted
10/00239/FUL	21 Schoolhouse Lane, Halton, Lancaster Erection of a replacement external store comprising storage, hen house and ancillary domestic accommodation at first floor level for Mr & Mrs S Talbot (Halton with Aughton Ward)	Application Permitted
10/00356/FUL	Newton Gate, Kirkby Lonsdale Road, Newton Creation of a new access road for Lady Susan Kimber (Upper Lune Valley Ward)	Application Permitted
10/00357/LB	Newton Gate, Kirkby Lonsdale Road, Newton Listed building consent for creation of a new access with	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

	alteration to boundary wall for Lady Susan Kimber (Upper Lune Valley Ward)	
10/00382/ELDC	Epoch Cottages, Borwick Mews, Borwick Application for lawful development certificate residential use unrestricted to 'holiday units' for letting periods greater than 8 weeks, throughout the year, including the use of protected tenancy agreements, and without any requirement to provide lists of tenants to the Council for Mr John Fletcher (Kellet Ward)	Application Permitted
10/00400/CU	Halton Training Camp, Halton Road, Halton Retrospective application for change of use of land to site 3 portable buildings for Maj. J Evans (Halton With Aughton Ward)	Application Permitted
10/00444/FUL	35 Hawthorn Road, Bolton Le Sands, Carnforth Erection of a garage, kitchen and lounge extension for Mr Tony Bleasdale (Bolton Le Sands Ward)	Application Permitted
10/00472/LB	2 Queen Square, Lancaster, Lancashire Removal of stud wall to form office space and addition of cupboard for Mr J Whitford-Bartle (Dukes Ward)	Application Permitted
10/00487/FUL	31 Chapel Street, Galgate, Lancaster Alterations to raise roof level to create room and wc above existing garage and external metal spiral staircase for Mr J Richmond (Elle Ward)	Application Permitted
10/00492/FUL	9 Levens Drive, Heysham, Morecambe Erection of single storey extension to rear for Mr And Mrs White (Heysham North Ward)	Application Permitted
10/00513/ADV	Strathmore Hotel, Marine Road East, Morecambe Erection of internally illuminated sign for Shearings Holidays Ltd (Bare Ward)	Application Permitted
10/00517/LB	22-26 Main Street, Heysham, Morecambe Amendments to approval 08/01372/LB in respect of internal layout of museum and adjoining dwelling forming Heysham Visitor Centre for Heritage Trust For The North West (Heysham South Ward)	Application Permitted
10/00518/FUL	Unit 34, Port Royal Avenue, Lune Business Park Erection of an industrial building (use class B8- storage and distribution) for Mr Andrew Clokey (Castle Ward)	Application Permitted
10/00539/FUL	Telephone Exchange, Cawthorne Street, Lancaster Replacement of roller shutter door with aluminium louvre for British Telecom (Dukes Ward)	Application Permitted
10/00540/LB	8 New Street, Lancaster, Lancashire Listed Building Application alterations in connection with change of use from A1 shop to A3 restaurant and installation of new illuminated fascia sign for Mr Stamatia Vadoros-Christakos (Dukes Ward)	Application Permitted
10/00549/FUL	166 Lancaster Road, Carnforth, Lancashire Erection of extensions to rear for Mr M. Chadwick (Bolton Le Sands Ward)	Application Permitted
10/00554/CU	10 Emesgate Lane, Silverdale, Carnforth Change of use from vacant shop to residential use as ground floor apartment with alterations to front elevation for Mr G	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

Pollard (Silverdale Ward)

10/00556/FUL	Oaklea, Nether Kellet Road, Over Kellet Application for extension of time on application 05/00833/CU to convert barn to granny flat for Mr And Mrs M J Bater (Kellet Ward)	Application Permitted
10/00563/FUL	Royal Oak Hotel, 152 - 154 Main Street, Lancaster Creation of raised decked balcony for Enterprise Inns (Ward)	Application Permitted
10/00606/FUL	Nazareth House, Ashton Road, Lancaster Siting of portable buildings on former tennis court for temporary accommodation for day nursery for The Sisters Of Nazareth (Scotforth West Ward)	Application Permitted
10/00608/FUL	20 Sea View Drive, Hest Bank, Lancaster Extension and alterations to existing house for Miss J Bradley (Slyne With Hest Ward)	Application Permitted
10/00609/FUL	4 Church Hill Avenue, Warton, Carnforth Erection of a two storey side extension, single storey front porch extension and dormer to the rear for Mr & Mrs P Ball (Warton Ward)	Application Permitted
10/00614/FUL	Greenbank, Lancaster Road, Heaton With Oxcliffe Erection of extension to the rear and a dormer to the rear for Mr John Coombes (Overton Ward)	Application Withdrawn
10/00626/FUL	59 Sand Lane, Warton, Carnforth Erection of single storey rear extension and two storey side extension for Mr And Mrs Hutchings (Warton Ward)	Split Decision
10/00615/CU	8 New Street, Lancaster, Lancashire Change of use of from A1 shop to A3 restaurant for Mr & Mrs Paul & Stacey Christakos-Vandoros (Dukes Ward)	Application Permitted
10/00616/ADV	8 New Street, Lancaster, Lancashire Application to display illuminated advertisements for Mr & Mrs Paul & Stacey Christakos-Vandoros (Dukes Ward)	Application Permitted
10/00619/FUL	57 Gloucester Avenue, Lancaster, Lancashire Raise roof pitch of existing garage for Dr Tania Mann (Scotforth East Ward)	Application Permitted
10/00621/ADV	John Wilding Car Dealership, Middlegate, White Lund Estate Erection of various signage for Citroen UK (Ward)	Application Permitted
10/00632/LB	73 Main Street, Wray, Lancaster Listed building application for various works for Mr Ernest Twist (Lower Lune Valley Ward)	Application Permitted
10/00633/NMA	Land Adjacent 6 Hall Park, Lancaster, Lancashire Non-material amendment to approved application 10/00212/FUL to change the window configuration to the rear elevation, addition of solar panels, removal of 1 velux window to east elevation and alterations to entrance ramp for Mrs G Hardy (Scotforth West Ward)	Application Permitted
10/00625/FUL	33 Rossall Road, Lancaster, Lancashire Erection of a single storey extension to the rear for Mr C. Plaziuk (Skerton West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

10/00628/FUL	1 Hessam Heights, Heysham, Morecambe Erection of extension to the side and conversion of part of garage to form habitable room for Mr A Arthurs (Heysham South Ward)	Application Permitted
10/00634/FUL	Norbreck House, Hillam Lane, Cockerham Erection of a new agricultural livestock building for Mr Philip Halhead (Ellel Ward)	Application Permitted
10/00636/FUL	27 Crag Bank Road, Carnforth, Lancashire Erection of a two storey side extension and raised patio area to the rear. for Mrs Lindsey Walker (Bolton Le Sands Ward)	Application Refused
10/00635/FUL	14 Sunningdale Crescent, Hest Bank, Lancaster Erection of a single storey extension to the side, dormers to front and detached garage to replace existing for M. Joyce (Slyne With Hest Ward)	Application Permitted
10/00644/CU	Woodlands, Blea Tarn Road, Lancaster Change of use from residential to offices and change of use of the outbuilding to storage for Mr Steve Hinde (Ellel Ward)	Application Permitted
10/00648/FUL	92 West End Road, Morecambe, Lancashire Extension of time limit on application 07/00725/FUL for the erection of a utility room extension for Mr S Read (Harbour Ward)	Application Permitted
10/00662/FUL	38 Lindeth Road, Silverdale, Carnforth Erection of a two storey side extension, garage and porch extension to the front and creation of second storey with balcony to the rear for Mr R Hollingworth (Silverdale Ward)	Application Permitted
10/00664/FUL	Stables, Out Moss Lane, Morecambe Retrospective application for the retention of hard-standing and erection of horse walker for Mr R Taylor (Poulton Ward)	Application Permitted
10/00665/CU	Doran Stables, Out Moss Lane, Morecambe Retrospective application for change of use of agricultural storage building to 8no. stables, tack room and storage room for Mr J Doran (Poulton Ward)	Application Refused
10/00657/FUL	Caton Baptist Church, Brookhouse Road, Caton Re placement of 4 No windows to the Brookhouse Road elevation for Caton Baptist Church (Lower Lune Valley Ward)	Application Permitted
10/00659/FUL	19 Hawkshead Drive, Morecambe, Lancashire Proposed extension and loft conversion for Mr T Horton (Westgate Ward)	Application Refused
10/00666/FUL	11 Shelley Close, Bolton Le Sands, Carnforth Erection of single storey rear extension and erection of a detached double garage for Mr C Wright (Bolton Le Sands Ward)	Split Decision
10/00663/FUL	Doran Stables, Out Moss Lane, Morecambe Retrospective application for the retention of 2 stable buildings and agricultural storage for Mr J Doran (Poulton Ward)	Application Refused
10/00668/FUL	97 Westbourne Road, Lancaster, Lancashire Erection of a sun lounge extension and re-roof garage for Mr & Mrs P Young (Castle Ward)	Application Permitted
10/00671/FUL	62 Church Brow, Bolton Le Sands, Carnforth Erection of	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

	a single storey extension to the rear for Mr And Mrs Hird (Bolton Le Sands Ward)	
10/00675/FUL	25 Manor Road, Slyne, Lancaster Erection of ground floor rear extension to form granny flat for Mr J Lund (Slyne With Hest Ward)	Application Refused
10/00669/FUL	1 St Michaels Grove, Bolton Le Sands, Carnforth Demolition of garage and erection of single storey rear extension for Mr David Greenwood (Bolton Le Sands Ward)	Application Permitted
10/00673/FUL	19 Westfield Drive, Bolton Le Sands, Carnforth Erection of a single storey extension to the rear for Mr And Mrs Lees (Bolton Le Sands Ward)	Application Permitted
10/00684/FUL	116 Ullswater Road, Lancaster, Lancashire Erection of a dormer to the front for Ian Graham (Bulk Ward)	Application Permitted
10/00594/CU	28 Market Street, Lancaster, Lancashire Change of use of land outside 1725 to be used as seating area sectioned off with balustrades for Mr Grant Stringer (Dukes Ward)	Application Withdrawn
10/00685/FUL	39 Victoria Parade, Morecambe, Lancashire Erection of a two storey extension to rear for Mr & Mrs D. Wardle (Poulton Ward)	Application Permitted
10/00690/FUL	The Hamblings, Garstang Road, Cockerham Erection of a single storey extension to side for Mr David Woodhead (Ellel Ward)	Application Permitted
10/00691/FUL	North Farm, Moss Road, Heaton With Oxcliffe Erection of an Agricultural Livestock building for Mr Alan Bargh (Overton Ward)	Application Permitted
10/00697/FUL	2 Hest Bank Road, Morecambe, Lancashire Retrospective application for the retention of a raised decked area for Mr Philip Corney (Bare Ward)	Application Refused
10/00698/CU	Wyreside Lakes Fishery, Gleaves Hill Lane, Ellel Creation of winter storage area for 64 caravans for Wyreside Lakes Fishery (Ellel Ward)	Application Permitted
10/00049/DIS	Bell Aire Park Homes, Middleton Road, Heysham Discharge of conditions 4 and 7 on approved application 09/00197/CU for Nelson Parks (Heysham South Ward)	Application Permitted
10/00597/FUL	Agricultural Building, Sandside, Cockerham Erection of an agricultural building for Mr Philip Taylor (Ellel Ward)	Application Permitted
10/00702/FUL	Piccadilly Garden Ltd, Piccadilly, Lancaster Siting of 2 timber cabins for workshop and training room in connection with horticultural training facility for Piccadilly Garden Limited (Scotforth West Ward)	Application Permitted
10/00703/CU	Lancaster Royal Grammar School, East Road, Lancaster Creation of an Eco Friendly Outdoor Learning Environment comprising an open-sided outdoor wooden classroom, storage shed, eco friendly compost toilet, two learning areas, and secure green V Mesh fencing in wooded area to north east of Lancaster Royal Grammar School War Memorial Field. for Mr Andrew Jarman (Bulk Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

10/00714/FUL	110 Low Lane, Morecambe, Lancashire Erection of conservatory to rear for Mr And Mrs Wilcock (Torrisholme Ward)	Application Permitted
10/00716/FUL	1 Stanley Street, Carnforth, Lancashire Replacement of external access stair and erection of decking area for Mr And Mrs Hogg (Carnforth Ward)	Application Refused
10/00718/FUL	22 Dalesview Crescent, Heysham, Morecambe Erection of a dining room/bedroom extension to the side for Mr R Brockbank (Heysham South Ward)	Application Refused
10/00708/FUL	8 St Michaels Lane, Bolton Le Sands, Carnforth Erection of extension to the side and rear of property for Miss M B J Modley (Bolton Le Sands Ward)	Application Permitted
10/00723/CU	Stonegarth, Coneygarth Lane, Tunstall Change of use from agricultural to domestic curtilage for Mrs H Littley (Upper Lune Valley Ward)	Application Permitted
10/00721/FUL	10 Oxcliffe Road, Heysham, Morecambe Erection of a detached house to replace existing dwelling (re-submission of application no. 09/01269/FUL) for Mr J Robb (Heysham Central Ward)	Application Refused
10/00728/FUL	5 St Johns Grove, Heysham, Morecambe Erection of a conservatory to the rear, construction of summerhouse in the back garden and external landscaping to the front and back for Mr And Mrs Walton (Heysham Central Ward)	Application Permitted
10/00727/FUL	14 Levens Way, Silverdale, Carnforth Demolition of an existing attached garage and erection of two single storey extensions for Mr R Bailey (Silverdale Ward)	Application Permitted
10/00730/FUL	The Litten Tree, 33 - 37 Church Street, Lancaster Replacement of four sets of double summer opening doors to the shopfront with toughened laminated glass windows in painted hardwood frames. for Town And City Pub Company (Dukes Ward)	Application Permitted
10/00733/FUL	14 Artlebeck Road, Caton, Lancaster Creation of dormer windows to front and rear for Mr & Mrs I Barker (Lower Lune Valley Ward)	Application Permitted
10/00743/FUL	3 Burlington Grove, Morecambe, Lancashire Erection of a single storey extension to the rear for Mr Gary Riley (Poulton Ward)	Application Refused
10/00744/FUL	104 Shakespeare Road, Lancaster, Lancashire Erection of 2m high boundary fencing for Mr Hans Petersen (Skerton West Ward)	Application Permitted
10/00747/FUL	1 Esthwaite Gardens, Lancaster, Lancashire Erection of first floor extension to gable and single storey extension to the front for Ms Maureen Kelly (Bulk Ward)	Application Permitted
10/00750/FUL	3 Broadacre Close, Caton, Lancaster Construction of a dormer to the front elevation for Mr And Mrs Edward Wallace (Lower Lune Valley Ward)	Application Refused
10/00763/FUL	27 Coastal Road, Hest Bank, Lancaster Erection of a rear extension for Mr David Law (Slyne With Hest Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

10/00764/NMA	Enderley, Stanmore Drive, Lancaster Non-material amendment to approved application 10/00264/FUL for Professor Stephen Taylor (Scotforth West Ward)	Application Permitted
10/00766/PLDC	28 Greaves Drive, Lancaster, Lancashire Lawful Development Certificate for the erection of single storey extension to the side and rear for Mr W Littlejohn (Scotforth West Ward)	Lawful Development Certificate Granted
10/00775/FUL	55 Wordsworth Avenue, Bolton Le Sands, Lancashire Creation of dormer to front for Mr J. Harrison (Bolton Le Sands Ward)	Application Refused
10/00786/FUL	18 Willow Lane, Lancaster, Lancashire Erection of a single storey side extension, retention and relocation of air conditioning units and the installation of a new gate. for Ms Lisa Kelly (Castle Ward)	Application Permitted
10/00788/FUL	11 Arran Close, Heysham, Morecambe Erection of two story extension for Mr & Mrs J Siddle (Heysham South Ward)	Application Permitted
10/00797/CCC	West End County Primary School, Chatsworth Road, Morecambe Erection of external pram shelter for Lancashire County Council (Harbour Ward)	Objection
10/00815/CPA	Nippers Childrens Day Nursery, Westgate County Primary School, Langridge Way Erection of a new pram shelter for Lancashire County Council (Westgate Ward)	No Objections
10/00816/CPA	Balmoral Childrens Centre, Balmoral Road, Heysham Erection of a pram shelter for Lancashire County Council (Heysham North Ward)	No Objections
10/00795/FUL	6 Prospect Drive, Hest Bank, Lancaster Two storey rear extension comprising lower ground floor and ground floor extension with raised timber decking for Mr Andrew Bates (Slyne With Hest Ward)	Application Refused
10/00813/AD	Land Adjacent Troulsmire Barn, Higher Hollinhead, Quernmore Road Erection of an agricultural building for Mr Sam Hey (Lower Lune Valley Ward)	Prior Approval Is Required
10/00819/AD	Land Adjacent Troulsmire Barn, Higher Hollinhead, Quernmore Road Excavation works to provide level base for agricultural building for Mr Sam Hey (Lower Lune Valley Ward)	Prior Approval Is Required
10/00838/FUL	38 Esthwaite Gardens, Lancaster, Lancashire Construction of two rear dormer windows and two velux windows to front roof slope for Mr & Mrs A Nickson (Bulk Ward)	Application Permitted
10/00842/NMA	Haweswater Cottage, Moss Lane, Silverdale Non-material amendment to approved application 07/01357/FUL for Mr And Mrs K Letcher (Silverdale Ward)	Request Completed
10/00849/ELDC	22 Croft Street, Morecambe, Lancashire Existing lawful development certificate for a ground floor hot food takeaway with flat above for Mr Than Duc Hoang (Poulton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

10/00884/NMA	The Haws, Haws Hill, Carnforth Non-material amendment to approved application 09/00043/FUL to raise the main roof by 225mm for Ms B Cresswell (Carnforth Ward)	Application Permitted
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