



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 5 JANUARY 2015

**Venue:** MORECAMBE TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

**1 Apologies for Absence**

**2 Minutes**

Minutes of meeting held on 8<sup>th</sup> December 2014 (previously circulated).

**3 Items of Urgent Business authorised by the Chairman**

**4 Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

### **Planning Applications for Decision**

#### Community Safety Implications

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

## Category A Applications

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

5	<b>A5 14/00989/CU</b>	Galgate Mill, Chapel Lane, Galgate	Ellel Ward	(Pages 1 - 16)
		Change of use, conversion and alterations of a mixed use showroom/warehouse with associated storage and office accommodation into 107 student studio apartments (use class C3) with associated communal facilities, a silk weaving museum (D1), cafe (A3), erection of a bicycle shelter and porch extension for Mr Ayub Hussain		
6	<b>A6 14/01048/LB</b>	Galgate Mill, Chapel Lane, Galgate	Ellel Ward	(Pages 17 - 22)
		Listed building application for works to the Mill including replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance, safety door and access ramp, repairs and relocation of railings to pavement, various internal works to false ceilings, partitions, steps/staircases and flooring, partial removal of external rear fire escape and removal of external lift for Mr Ayub Hussain		
7	<b>A7 14/01136/OUT</b>	Land To The East Of St Wilfrids Hall, Foundry Lane , Halton	Halton-with-Aughton Ward	(Pages 23 - 36)
		Outline application for the development of 4 residential detached dwellings for Ms Nicola Thornton		
8	<b>A8 14/00775/FUL</b>	Site For Fast Food Takeaway Unit, Caton Road, Lancaster	Lower Lune Valley Ward	(Pages 37 - 45)
		Erection of a two storey restaurant with associated drive-thru, canopy, car parking and landscaping for McDonald's Restaurant Ltd		

- |    |                         |  |                        |                 |
|----|-------------------------|--|------------------------|-----------------|
| 9  | <b>A9 14/01052/FUL</b>  | Land To The Rear Of Burr Tree Cottage, Long Level, Cowan Bridge                      | Upper Lune Valley Ward | (Pages 46 - 52) |
|    |                         | Erection of 18 dwellings with associated access and parking for Mr Richard Morton    |                        |                 |
| 10 | <b>A10 14/01117/FUL</b> | Middleton Clean Energy Plant, Middleton Road, Middleton                              | Overton Ward           | (Pages 53 - 58) |
|    |                         | Erection of a 47.5mw gas fired power station and associated works for Mr David Evans |                        |                 |

**11 Delegated Decisions (Pages 59 - 66)**

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Helen Helme (Chairman), Keith Budden (Vice-Chairman), Eileen Blamire, Dave Brookes, Roger Dennison, Sheila Denwood, Tony Johnson, Andrew Kay, Geoff Marsland, Margaret Pattison, Robert Redfern, Sylvia Rogerson, Richard Rollins, Roger Sherlock and Paul Woodruff

**(ii) Substitute Membership**

Councillors June Ashworth (Substitute), Mike Greenall (Substitute), Tim Hamilton-Cox (Substitute), Richard Newman-Thompson (Substitute), David Smith (Substitute), Keith Sowden (Substitute), Susan Sykes (Substitute) and Malcolm Thomas (Substitute)

**(iii) Queries regarding this Agenda**

Please contact Sarah Grandfield, Democratic Services: telephone (01524 582132) or email [sgrandfield@lancaster.gov.uk](mailto:sgrandfield@lancaster.gov.uk).

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

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

MARK CULLINAN,  
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Published on Thursday 18<sup>th</sup> December 2014.

<p>Agenda Item A5</p>	<p>Committee Date 5 January 2015</p>	<p>Application Number 14/00989/CU</p>
<p><b>Application Site</b>  Galgate Mill Chapel Lane Galgate Lancashire</p>	<p><b>Proposal</b>  Change of use, conversion and alterations of a mixed use showroom/warehouse with associated storage and office accommodation into 107 student studio apartments (use class C3) with associated communal facilities, a silk weaving museum (D1), cafe (A3), erection of a bicycle shelter and porch extension</p>	
<p><b>Name of Applicant</b>  Mr Ayub Hussain</p>	<p><b>Name of Agent</b>  Mr I Patel</p>	
<p><b>Decision Target Date</b>  12 January 2015</p>	<p><b>Reason For Delay</b>  None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

## 1.0 The Site and its Surroundings

- 1.1 The application site is located at the northern end of Galgate beyond the main built-up part of the village within Ellel Parish. It forms part of the listed Galgate Silk Mill complex which comprises a number of buildings but predominately consists of a former corn mill that was converted to a silk spinning mill in 1792 on the west side of Chapel Lane and the large mill dating 1851-2 on the east side of Chapel Lane. The application site relates solely to the large five-storey brick built mill on the east side of the road and not the attached buildings around it. The application building, like the other mill buildings in the immediate area, are grade II listed (under 2 separate listings). Ellel House sits alongside the northern boundary of the mill complex and is also grade II listed, along with St John's Church which is situated north of Ellel House. Collectively this group of listed buildings form a small historic core in the northern part of the village.
- 1.2 The Mill complex comprises a mix of employment-generating uses and is recognised in the Development Plan as a rural industrial employment site. The application site consists of two elements namely the 5 storey mill building itself and a proportion of the existing car park at the access into the main complex (north of the mill). The buildings/units attached to the application building consist predominately of employment uses; for example the Silk Mill Garage, a joinery workshop, Forton Glass, a food preparation business, storage and distribution businesses, upholstery/furniture uses and a small café. In addition the application site also lies adjacent to existing residential development, namely Crofters Fold to the south and Ellel House and other residential properties on Chapel Lane. Land to the east of the industrial estate is open agricultural land and currently accommodates stables, which are located close upto the boundary with the estate. Land to the west consists of the oldest mill buildings which are generally in employment use although there is a dwellinghouse facing Chapel Lane opposite the application site. The grounds around the buildings are made up of hardstanding areas of varying condition with ad hoc parking throughout the site and a large number of containers along the eastern boundary.
- 1.3 The main vehicular access to the mill complex is off Chapel Lane. Chapel Lane extends from the A6 (west of the application site) to Hazelrigg Lane (just under 1km north of the application site) where

there is direct vehicular/pedestrian access to the University campus. Before reaching the vehicular access to the mill complex (from the south) the road narrows between the eastern and western mill buildings. Here there are no footways. Beyond the village boundary, Chapel Lane is much more rural in character and does not benefit from a continuous footway from Galgate to Hazelrigg Lane, there are sharp blends and narrow sections in parts with minimal street lighting. The boundary of the estate with Chapel Lane consists of the buildings themselves, a small natural stone wall at the access and railings immediately in front of the 5 storey mill buildings. Other boundaries around the site consist of stone walls and lower walls with railings to the northern boundary with Ellet House.

- 1.4 With the exception of the site being allocated for employment purposes and the buildings being listed there are no other allocations or constraints affecting the application site.

## **2.0 The Proposal**

- 2.1 For the avoidance of doubt, the application relates to the five-storey mill building, the historic chimney and boiler house and an area of hard standing for parking at the estate's site entrance. Planning permission is sought for the change of use of the mill building to 107 one-bedroom student studio apartments with communal recreational facilities and cycle storage. The proposal also seeks planning permission for a small museum which shall be open to the public at specified times. The breakdown of accommodation consists of the following:

### Ground Floor:

- 5 one-bedroom accessible studio rooms
- Communal facilities associated with the student accommodation, including a games room, gym, study space, seating areas and café (including kitchen and WC facilities)
- Silk and textile museum
- Private office and security office
- Biomass room
- Electric server room

### First floor:

- 24 one-bedroom studio rooms
- Laundrette
- Stock room

### Second Floor:

- 26 one-bedroom studio rooms

### Third Floor:

- 26 one-bedroom studio rooms

### Fourth Floor:

- 26 one-bedroom studio rooms

Each floor shall be accessed via the existing staircase or via a new lift and staircase. Each floor has a small (1 sq.m) bin store. The proposal involves the retention and reuse of the chimney and boiler house for the biomass boiler. Externally at the site entrance 5 mobility spaces and 2 staff spaces associated with the student accommodation scheme and 3 spaces for museum visitors which includes 1 mini-bus space are proposed - a total of 10 spaces. A covered cycle stand to accommodate 30 cycles is proposed against to the two-storey mill buildings (currently occupied by Silk Mill Café).

The museum element of the scheme is proposed at ground floor level, which in actual fact is semi-basement level, along the main frontage. The museum will be accessed via the existing main entrance off Chapel Lane via the proposed student café. It will house and display exhibits relating to the mills textile heritage. It will be run by volunteers though the proposal indicates that the developer will set up and subsequently fund the running costs of the Museum along with a Museum Management Board. It would operate under the auspices of a Charity with Association of Independent Museums membership. The museum will only be open to the public to an advertised schedule or organised school visits (limited to no more than 20 people).

The café element of the scheme, despite being marked up as public on one proposed ground floor

plan, will not be open to the public. The café element forms part of the communal space associated with the student accommodation and will therefore be predominately used by the students. It may be used by visitors of the museum when the museum is open.

**3.0 Site History**

3.1 The Galgate Mill complex has a long established history as an industrial estate. Uses have changed and evolved over time but predominately remain within the B1, B2 and B8 uses. There is no planning history connected with the use of the application building solely for retail purposes. However, it is acknowledged that the last use of the application building comprised a mixed use of storage and distribution, workshop, office space and associated showrooms involving an element of retail operations and this had operated for some considerable period of time. The table below includes some of the history relating to new and proposed uses. The site has been subject to various other applications relating to listed building alterations and building operations, such as the installation of flues, platforms and steps, insertion of doors and extensions (mainly to the rear of the Mill building).

Application Number	Proposal	Decision
80/00005/HST	Use of building for storage and distribution of frozen food and the manufacture of meat pies and similar products	Permitted
87/01025/HST	Change of use from class B2 to class B8 (workshop and offices) - unit 25/26/27	Permitted
89/00731/HST	Erection of industrial unit on land to rear	Permitted
92/00107/HST	Change of use to cafe - Unit 1A	Permitted
98/00112/CU	Change of use to general office, tile studio and workshop, incorporating existing storage usage	Permitted
07/01539/CU	Change of permitted uses of existing workshop to include book binding business (B1)	Permitted

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>Objection</b> on the following grounds: Given the sites out-of-centre location it is anticipated some parking should be provided on site or within alternative parking areas off site (within the applicant's control). Despite proximity to the campus and public transport and cycle routes, it is contended that the absence of parking facilities associated with the development would lead to on-street parking within the immediate area, exacerbating existing congestions problems (Chapel Lane), affecting the operation of the highway network in this part of Galgate.
Conservation Officer	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>Insufficient detail submitted to assess the full impact of the proposal on the fabric of the building, such as insulation/sound attenuation measures on party walls with adjoining industrial uses and the proposed acoustic window details.</li> <li>Loss of part of the external fire escape – this should be retained unless sufficient justification is provided.</li> <li>Lack of precise detail of the proposed porch extension (there is inconsistency in the submission in this respect).</li> <li>The location of the cycle stand will adversely affect the setting of the Mill (views from Chapel Lane)</li> </ul>
Planning Policy Team	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>Development Plan policies seek to protect existing rural employment sites – Galgate Mill is an identified employment site, though emerging policy recognises that greater flexibility may be required in the long term where mixed use proposals could be acceptable. However, employment uses should be at the forefront of development proposals. The proposal offers little</li> </ul>

	<p>employment and is therefore contrary to existing and emerging policy.</p> <ul style="list-style-type: none"> <li>• No evidence has been provided to adequately satisfy planning policy that non-employment development would be acceptable on this site. There is no marketing evidence provided.</li> <li>• The suggested level of employment (10 people) is sub-standard for an allocated employment site and cannot really be regarded a mixed use scheme – it is predominately a residential proposal.</li> </ul>
<b>Environmental Health (EH) (Air Quality and Amenity Issues)</b>	<p><b>No Objection</b> subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Hours of construction</li> <li>• Implementation of Travel Plan</li> <li>• Scheme for noise and ventilation details to be submitted and agreed.</li> <li>• Details of any flues serving the development to be submitted and agreed</li> </ul>
<b>EH (Contaminated Land Officer)</b>	<p><b>Objection</b> on the grounds that insufficient information has been submitted to demonstrate contaminated land is not a risk to the development.</p>
<b>Civic Society</b>	<p><b>Objection</b> on the following grounds:</p> <ul style="list-style-type: none"> <li>• Unacceptable standard of living accommodation</li> <li>• Museum is tokenism</li> <li>• Inadequate parking</li> <li>• Fails to address the loss of employment land</li> <li>• A mixed use scheme may be more appropriate</li> </ul>
<b>Lancashire Constabulary</b>	<p><b>No objection</b> subject measures being incorporated into the design to reduce the fear of crime, such as security measures to each apartment and video access control.</p>
<b>Parish Council</b>	<p><b>Objection</b> on highway grounds. The Parish Council are concerned that the proposal would generate traffic and exacerbate existing congestion in the village. They are also concerned about the lack of parking. The Parish Council appreciated the need to preserve the Mill and that residential development was the best solution to date to achieve this and that traffic generated by cars was preferable to HGVs associated with the existing use.</p>

## **5.0 Neighbour Representations**

5.1 Public consultation of the application has involved an advertisement in the local press, a site notice and neighbour notification letters to immediate neighbours. In addition, the Parish Council have been notified to allow wider community consultation. This level of consultation accords with the provisions set out in relevant planning legislation.

At the time of compiling this report 16 letters of objection have been received. The reasons for opposition are summarised as follows:

- Inadequate parking provision and no consideration of visitor parking
- Travel Plan suggests that the proposal will house foreign students who generally don't have cars – however such students are generally from affluent backgrounds and are more likely to have cars.
- Unrealistic targets set out in the Travel Plan – the unsafe characteristics of Chapel Lane and Hazelrigg Lane are likely to put people off walking/cycling from the site to the University.
- People working and visiting the Mill already park on surrounding streets – this proposal will exacerbate on-street parking and congestion
- Chapel Lane is sub-standard and unsafe for pedestrians and needs traffic calming – often used as a rat run at rush hour.
- Pedestrian/cycle safety at greater risk along Chapel Lane
- Public transport is poor between Galgate and Lancaster
- Reducing the width of the highway will restrict larger vehicles needing access to the Mill
- Excessive number of student apartments
- Unacceptable noise, disturbance and anti-social behaviour
- Increased risk of crime in the area – Galgate does not have a strong police presence
- Galgate does not offer the same leisure/retail needs as Lancaster – Lancaster city centre is more desirable for student accommodation.
- Existing shops may raise their prices which would affect standard of living for existing residents.
- Loss of privacy to nearby residential properties – currently not overlooked due to the nature

of the existing use of the Mill.

- The cycle shed will block light and restrict access to the café at the Mill
- The proposal is a lost opportunity for the village – small start-up business units should have been incorporated in the scheme, as originally presented by the applicants to the community (Parish Meeting 14.4.2014). Halton Mill Lancaster Engineering building is a good example.
- Loss of employment land and potential to prejudice existing businesses
- The businesses at Galgate Mill are generally thriving and vacant units rarely remain empty for long.
- Lack of public consultation of the application
- Many in support don't live in the village or are involved in the application itself and the recent sale of the Mill to the developers.
- No guarantee that the accommodation would be occupied by students

In addition, 11 letters of support have been received. The main reasons for support are summarised as follows:

- Investment in the Mill to preserve it for future generations to enjoy is a positive reason to support the proposal.
- Preservation of a historic building
- Good design
- Improves the area – community asset in respect of the museum element
- Good location for student accommodation
- Best use for the Mill given lack of land available with the Mill for parking
- Economic benefits
- Provision of cycle stand and bikes is environmentally friendly and a good idea

### **6.0 Principal National and Development Plan Policies**

Paragraph 12 and 14 – Presumption in favour of Sustainable Development

Paragraph 17 – Core Principles

Section 1 (paragraph 18 – 22) – Building a strong, competitive economy

Paragraph 28 – Supporting the rural economy

Section 4 (paragraphs 29 – 41) – Promoting sustainable transport

Paragraphs 56, 58, 61, 64 – Good Design

Paragraph 69 – Promoting healthy communities

Paragraph 123 - Noise

Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment

Paragraphs 188-190 – Pre-application engagement

Paragraphs 196-198 – Determining planning applications

#### 6.1 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

SC4 – Meeting the District's Housing Requirement

#### 6.2 Lancaster District Local Plan - saved policies

EC16 – Non-Employment development on rural employment sites

6.3 The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

#### Development Management DPD

DM7 – Economic Development in Rural Areas

DM8 – Re-use and Conversion of Rural Buildings

DM15 – Proposals involving Employment Land and Premises

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking & cycling

DM22 – Vehicle Parking Provision

DM23 – Transport Efficient and Travel Plans

DM30 – Development affected Listed Buildings

DM32 – Setting of Designated Heritage Assets



DM35 – Key Design Principles  
DM36 – Sustainable Design  
DM42 – Managing Rural Housing Growth  
DM44 – Residential Conversions  
DM46 – Accommodation for Students  
Appendix B – Car Parking Standards  
Appendix D – Purpose Built and Converted Shared Accommodation  
Appendix F- Studio Accommodation

- 6.4 The Council's Land Allocations DPD has not advanced alongside the Development Management DPD but has been through its first Preferred Options consultation. Policies in the emerging Local Plan are a material consideration but at this stage carry limited weight.

Emerging Land Allocations DPD  
Policy OPP3 – Galgate Mill

- 6.5. Draft Local Plan for Lancaster District 2011-2026 2014 Housing Land Supply Statement - This document sets out the current published position in relation to housing land supply in the District related to the NPPF requirement for five years supply of specific deliverable sites.

**7.0 Comment and Analysis**

- 7.1 The main issues are as follows:
- Housing need
  - Loss of employment land
  - Impact on heritage assets
  - Highway implications
  - Amenity of future occupants

**7.2 Housing Need**

National planning policy requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and needs of different groups in the community. Development Plan policy recognises that students are an important component of the housing market and as such their needs should be addressed, particularly given student accommodation contributes to the districts housing supply. In addition, purpose-built student accommodation development can contribute to the potential release of shared family housing currently occupied by students. Whilst the development is for student accommodation, it relates to a form of housing and, therefore, it is accepted that paragraph 49 of the NPPF applies. This states that housing applications should be considered in the context of the presumption in favour of sustainable development. Subsequently, for decision making this means where the development plan is absent, silent or relevant policies (in the case of housing supply) are out-of-date, planning permission should be granted, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The following sections of the report will consider other principal planning considerations, to ultimately assess whether the presumption in favour of sustainable development applies.

**7.3 Loss of Employment Land**

Saved Local Plan policy EC16 allocates Galgate Silk Mill as a rural employment site. This policy sets out that non-employment development will only be permitted on employment sites in the rural area where it can be shown that there is no demand for employment; or the site's location or surroundings are clearly unsuited to employment use; and the proposal would bring about clear environmental benefits; or the proposal is part of a mixed-use scheme in which employment use is dominant. A similar approach is taken in policy DM15 which refers to the loss of employment land for alternative non-employment uses. This sets out that schemes will only be permitted where: it has been demonstrated through a robust marketing exercise that the ongoing employment use of the premises is no longer appropriate or viable; or the location has such exceptionally severe site restrictions; or the re-use off the land meets the wider regeneration objectives set out in the Local Plan or where the benefits of the proposal outweigh the loss of the site for employment purposes.

- 7.4 The NPPF also clearly sets out that the Government is committed to securing economic growth in order to create jobs and prosperity, particularly in the rural, sustainable areas. Galgate Mill is an

allocated rural employment site where 'B' type employment uses are dominant. Whilst emerging policy (Land Allocations DPD) suggests a more flexible approach may be pursued for this site in the future (via policy OPP3), this policy still indicates that future proposals should look to support and protect the continued operation of the mill for employment purposes. The emerging policy (supported by employment evidence) recognises that the mill plays an important role in the district's employment land supply, providing small units suitable for start-up businesses and other rural enterprises. Proposals which would result in the loss of employment space will not be supported unless appropriate alternative provision can be achieved and the curtilage of the mill cleared, thereby facilitating conservation-led regeneration benefits. Whilst this policy carries limited weight at present (in context of paragraph 216, NPPF) it clearly provides an indication that the Councils' existing and longstanding position to support and protect employment uses and development at the mill, particularly given its sustainable location with good access to the strategic highway network (the M6), is unlikely to change significantly in the near future. Though, in accordance with paragraph 22 of the NPPF, it is likely that emerging policy will provide greater opportunities for employment-led mixed use proposals which facilitate wider regeneration of the site.

- 7.5 The application in the first instance relates only to the 5-storey mill building and associated chimney including a small proportion of land at the site entrance. It does not include the attached buildings (some extensions to the original Mill) or land surrounding it. Subsequently, there is no prospect of this proposal contributing to wider regeneration of the whole site, such as tidying up areas which currently do not positively contribute to the setting of the listed mill (e.g. the storage containers). Officers had previously encouraged the applicant to approach other land owners to explore a proposal which would benefit the whole site through, for example, the removal of the containers and less significant extensions to the mill, and the conversion of the mill to provide new start-up employment uses or even a new purpose built building to re-house businesses currently operating from the containers. A more comprehensive scheme could also help improve the existing hard landscaping areas and provide better parking layouts. However, whilst a comprehensive scheme would be desirable, it is acknowledged that there are a number of landowners within the estate which makes this difficult to achieve. Subsequently, it is contended, that the lack of comprehensiveness would not be a reason to refuse the application, particularly given there is currently no strong policy basis for doing so. Consequently, the regeneration benefits provided through this proposal (discussed later in the report) would only relate to the mill building itself and not the wider industrial estate.
- 7.6 Turning back to policies EC16 and DM15, the application is for 107 student studio rooms with ancillary communal, leisure space and a museum. The predominant use of the building is residential with a small proportion of the building used as a museum. The proposal is considered non-employment development. Such development departs from the policies contained within the development plan, unless the proposal complies with the exception criteria set out in these policies. One of the main tests is a marketing exercise.
- 7.7 The applicant has failed to submit sufficient and appropriate evidence to demonstrate compliance with the above related policies. Quite disappointingly, the applicant's planning statement fails to even mention the employment-related policies relevant to their proposal and more recent supporting information provided by the applicant does not even refer to the correct national planning policy. This unfortunately demonstrates a failure on their part to fully understand the planning policy context of their proposal. Despite assertions to the contrary, concerns over the loss of employment land (along with other matters) were key concerns aired by Officers at the per-application stage. The applicant has indicated some marketing has been undertaken, though no evidence of this is yet provided, nor is the marketing suggested to have been undertaken appropriate. The applicant has indicated in their planning statement that between 27<sup>th</sup> January 2014 and 3<sup>rd</sup> February 2014 the applicant had contacted mainly convenience retail operators (e.g. Tesco Express, Sainsbury's Local, Aldi) and leading commercial agents to market the site for retail purposes. The applicant indicates that the responses stated the site was not suitable for retail purposes. The policy requires the applicant to demonstrate through a robust marketing exercise that has been taken over a reasonable period of time (at least 12 months) that an ongoing employment use is no longer appropriate and viable. The applicant has firstly, failed to market the site for employment purposes (B1, B2 and B8 uses) and secondly, failed to provide robust marketing evidence. The applicant contends that the proposal does not lead to a loss of employment land on the basis that the last business operating from the mill employed only 4 people and that 10 jobs would be generated by their proposal.
- 7.8 The second part of the policy states that residential development will only be permitted where the

location has such exceptionally severe site restrictions due to very poor access or servicing arrangements, or surrounding land uses make a continuing employment use inappropriate. Officers contend there are no grounds to argue the site is not suitable for employment uses/development despite the sites proximity to nearby residential development and the alignment and width of Chapel Lane (in parts) for use by HGVs. It is understood that the local community (Parish Council) feel that development that removes HGV movements would be preferable and that residential development is the best use for the mill. Equally there are some public comments to the contrary who make a point that residential use of the mill affects neighbouring residential amenity and that small start-up employment units would be more appropriate. In any event, the local planning authority are not aware of severe environmental problems associated with the mill operating as an employment use and therefore the current proposal would not satisfy the exceptional criteria set out in policy.

7.9 The final part of the policy states that residential development will be permitted for the re-use of employment land for non-employment uses where the proposal meets wider regeneration objectives set out in the local plan or where the benefits outweigh the loss of the site for employment purposes. There are no specific development plan policies setting regeneration objectives for Galgate Silk Mill. It is acknowledged that the benefits of the proposal relate to meeting a housing need and the principle of securing a long-term future use of the listed mill (discussed later in the heritage section of this report). The proposal would not bring any benefits to the existing industrial estate through improved landscaping, parking or employment provision. On this basis, the proposal would not be an exception to the above related employment policy.

7.10 Given the above it is considered that the loss of this rural employment building/site for student housing, without any marketing evidence to demonstrate that the employment use of the site it is no longer an appropriate or viable use, would not only conflict with policies contained within the Development Plan, but would fail to constitute sustainable development thereby conflicting with the aims and objectives of the NPPF. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development if a five-year supply of deliverable housing sites cannot be demonstrated. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Employment is an important component to ensuring sustainable rural communities and as such, for the reasons set out above, it is not considered that the lack of a five year land supply outweighs this.

7.11 **Heritage considerations**

The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage assets, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which *states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

7.12 It is commendable of the applicant to pursue a development proposal that could secure a potential long-term use for the Mill, particularly given its historical significance and iconic landmark feature in this part of the district. This is also acknowledged by the Parish Council. However, the application as it stands has failed to provide sufficient information to fully assess the impacts of the proposal on the significance of the designated heritage asset.

7.13 A detailed heritage assessment has been submitted with the application including a separate statement in respect of the museum element of the scheme in accordance with paragraph 128 of the NPPF. The submitted assessment concludes that *'the Galgate Mills complex as a whole can be defined as being of Outstanding Significance, incorporating a wide range of structures, of differing rarity and survival, with an extremely high group value and archaeological potential. The buildings represent a very rare survival of a silk-spinning complex within Lancashire, and potentially incorporate elements of the earliest surviving silk-spinning factory in the country'*. Those elements of the building considered *outstanding significance* are the external elevations of the main mill, the boiler house, warehouse range and chimney. Elements of the main mill considered *great*

*significance* are the internal columns and upright shaft bearings and elements considered *some significance* are the engine bed, privy tower, fire-fighting apparatus (including the fire escape), bearing boxes and the window frames. There are elements of the main mill which are considered to be of *lesser significance*. These include the ceiling beams, floorboards the lean-to extension (where the accessible rooms are proposed), wright-iron railings, personnel tunnel and internal spiral staircase. The negative elements include the external lift tower to the south side of the mill and internal partitions.

- 7.14 The existing mill represents a typical, historical industrial building evident by the large open plan spaces and is clearly not designed for residential occupation. The elements of the building considered *outstanding* or of *great significance* shall be retained, this includes the external elevations of the mill, the chimney and the internal columns. However, to deliver the proposal the development involves various interventions and internal alterations. The main internal changes involve the insertion of a significant number of internal partitions (defined in the heritage statement as negative components of the building) and the removal of areas of the floors/ceilings to create a central atrium. The application proposes the removal of the external lift tower which is a benefit to the scheme. The heritage statement indicates that the proposal does not require any significant alterations to the exterior to the mill block. There is a lack of clarity and inconsistency in the submission at this point, particularly in relation to the windows. The heritage statement makes little mention of what is proposed to the existing windows. The plans indicate that acoustic laminated glass will be used, but it is not clear if this is to be used within the existing frame or in secondary glazing. Either method, detailed information needs to be submitted in the application to determine if it's possible without significant impact on the fabric of the building. The applicant has recently indicated that the timber windows will be renewed of exactly matching appearance but double glazed and has provided a sample. This sample is not considered acceptable. There is preference for the existing windows to be repaired where possible and retained and appropriate secondary glazing systems used. However, if the applicant can evidence that this is not a feasible solution replacement windows could be acceptable, provided they are a good match to the historical form and appearance. At this time, there is insufficient information submitted in respect of the proposals to the external windows to fully assess the impacts of such changes on the significance of the heritage asset.
- 7.15 In addition to the window replacements, the proposed development will require substantial upgrading to the fabric of the building to improve the insulation properties of the building. The plans do not show any internal insulation being proposed to the external walls. Although the walls are substantial in construction, some sound insulation may be required (especially on the party wall) as the development is within an industrial site. Similarly, the plans indicate air conditioning and ventilation systems will be provided but there are no details about what this will involve and how such systems will be inserted into the building's fabric. Whilst it may be possible to provide such systems, at this time there is insufficient detail submitted to assess how this would affect the fabric of the building. It is considered that these concerns could be overcome with the submission of more precise detail.
- 7.16 Other concerns relate to the loss of part of the external fire escape. This is a feature that should be retained unless there is strong justification for part of its loss. In the heritage assessment the external fire escape is identified as a priority 3 structure, due to the rare completeness of the firefighting arrangements it is considered this increases its significance. There is no justification for part of its removal. With regards to the proposed porch extension, the level of detail provided is poor. The construction and actual appearance of this porch extension is not detailed enough to be certain the extension is appropriate. That said, Officers agree that a contrasting modern porch extension with a greater use of glass is desirable and that the applicants are heading in the right direction in respect to the scale and form of this small addition. Again, this issue could be overcome with more detailed information. There is also a lack of detail in respect of the internal elevations and design of the atrium. There are no elevations internally to view how these alterations would affect the historic fabric, character and significance of the heritage asset.
- 7.17 Due to the size of the mill and chimney the building is visible from some distance. Setting is defined as 'the surroundings in which the asset is experienced' in English Heritage guidance '*The Setting of Heritage Assets*'. The guidance also states that 'the contribution of setting to the significance of a heritage asset is often expressed by reference to view'. It is considered that views towards the mill along Chapel Lane from the north are significant. The proposed location for the bike stand is considered to impact on important views of the mill and would not, despite views to the contrary preserve the setting of the mill. An alternative location away from the mill, and suitably located away from neighbouring residential accommodation at Ellet House, may minimise its impact on such views

and bring it in line with Policy DM32 and Paragraph 132 of the NPPF, which identifies that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'. It is understood that the position of the cycle stand has been chosen because of safety concerns for future occupants negotiating traffic within the estate. This is understandable but does not mean the cycle store should be located in a less desirable position.

- 7.18 By the applicant's own admission (within the heritage statement) the insertion of partition walls are considered negative elements. On the lower ground floor existing internal partitions will be removed. The lower ground floor will provide (to a certain extent) areas where the open plan, utilitarian, industrial feel to the mill will be experienced, such as in the communal spaces and museum. There is no area within the proposal where the whole floorplate will be completely open (as original) to truly experience the special open character to the listed mill. It will be possible to view the columns in the centre of the building through the atrium which extends over the 5 floors, though the exact manner of construction of the atrium is unclear. Notwithstanding this, the heritage statement indicates that the intention of the atrium is to enable the column and beam structure to be revealed from ground level through to the roof, which despite the removal of limited sections of all the upper floors would be one way to read the construction of the historic mill. The upper floors will all then be subdivided to provide around 26 studio rooms per floor. The columns will be retained but in the majority of cases hidden behind new internal partition walls. It is argued that the internal partitions are all reversible. Whilst this may be the case, it cannot be concluded that the proposal would not lead to some harm to the heritage asset. Paragraph 134 states *that where development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
- 7.19 There is no dispute that finding a sustainable end use for the Mill building carries significant weight in the determination of the application. It is acknowledged that the proposal provides an opportunity to secure investment in the mill to avoid further disrepair and that the applicant has good intentions in respect of restoring this important historic building. The applicant is also commented for pursuing the museum element of the mill. This would be a significant asset to the village and wider area as it will highlight the historic importance of the mill and Lancaster (as a trading port/industrialisation) in general. The museum project will be underwritten for initial set up and subsequent running, insurance, security and administration costs by the developer and a Museum Management Board will administer the museum. It is proposed that the Board will operate the Museum under the auspices of a Charity with Association of Independent Museums (AIM) membership. This element of the proposal is fully supported, but due to extent of land that the applicant has in their control, the museum can only operate on a small scale.
- 7.20 The applicant contends that this proposal provides a long term end use for the mill and with this will come repair, improvements and ongoing maintenance to secure and reveal the special outstanding significance of the mill building. Where there is harm, such as the insertion of partition walls, this harm should be weighed against the benefits of the proposal. It is acknowledged that interventions to permit sustainable end uses to listed buildings can be considered permissible to avoid decay and ultimately loss of designated heritage assets, so long as the significant historic structures and features are largely retained. NPPG (paragraph 015) indicates that the *vast majority of heritage assets are in private hands. Thus sustaining heritage assets in the long term often requires incentive for active conservation.* The structural report concludes that the current condition of the mill is generally very good and that whilst there is a need for some remedial work in isolated locations, it is relatively nominal. The report indicates the building is suitable for residential conversion. Subsequently, it is important to consider whether the proposal is actually the optimum viable use for the building, bearing in mind the optimum use may not be the most profitable (paragraph 015, NPPG). There has been no enabling development case put forward by the applicant, other than this proposal will provide a long term sustainable use. There is no evidence to indicate that other uses or mixed use schemes may be inappropriate. The one comment in the structural report which suggests that the floor structures could not withhold loads greater than those imposed by residential units, does not provide sufficient compelling evidence to rule out other non-residential uses or better mixed used proposals could not secure an optimum viable use for the mill. In respect of heritage considerations, it is considered that there is insufficient information submitted to fully assess the impacts on the listed building. Equally, from the information provided, there are concerns that the cycle stand will also affect the setting of the mill contrary to local and national planning policy.
- 7.21 **Highway implications**  
The Transport Statement indicates that the previous business (Bathroom Emporium) was a

successful business with a footfall of 4000 visitors and between 400-600 sales per month, resulting in 36 HGV deliveries, 81 trips from the businesses own vehicles and upto 3 large container drop offs per month. The applicant argues the proposed development would generate less traffic, and particularly less HGV movements, than the existing use. They suggest that the level of parking proposed (which comprises 5 accessible parking spaces, 2 staff parking spaces and 3 spaces for the museum (one of which is a minibus space) is sufficient for the proposed development. There is no parking available for visitors. A travel plan has been submitted which indicates there is no parking spaces available for the student accommodation with the exception for the accessible spaces. There is extensive cycle provision, legal agreements (accommodation contracts) to not bring their cars, free use of mill bicycles, potential Bike and Go type scheme with the university, Uni-rider bus pass scheme, designated Travel Plan coordinator, monitoring and review of the Travel Plan. In addition, off-site highway works are proposed to narrow the road between the east and western mills either side of Chapel Lane to provide a continuous footpath running in front of the mill building towards the cycle parking area, thus improving pedestrian accessibility between the village and the main estate access. The submitted transport statement suggests that the development would be marketed at foreign students and assumes that such students are less likely to have cars. The applicant argues that should students choose to bring their cars there is secure student parking available opposite the mill outside the applicant's control. The site is also located close to bus stops where services are available between the village, the university and Lancaster.

7.22 It is acknowledged that the village is an identified sustainable rural settlement with public transport and cycle links to the University and the city centre. It is also acknowledged that similar purpose built student accommodation schemes in the centre of Lancaster have been accepted without any car parking provision. However, the infrastructure of Galgate is somewhat different to that found in Lancaster. This is a clear concern to the Highway Authority who have objected to the development. Whilst the applicant has given parking requirements some thought (via the measures outlined in the Travel Plan), the occupation of the development could not solely be limited (via planning controls) to foreign students, nor could it be ruled out that some students would have cars and wish to park close by. The car park opposite the mill does not have a formal consent to be used for parking nor is it in the applicant's control. Notwithstanding this, any charges to park elsewhere off-site is likely to discourage future occupants parking off-street. Subsequently, it is inevitable that any parking would be within the estate where there is already limited space due to the existing businesses or on surrounding residential streets and Chapel Lane. Student parking on Chapel Lane and Hazelrigg Lane (to avoid parking charges on campus) has been a longstanding problem, although measures put in place via the Highway Authority have led to some improvements. Members of the public have also indicated employees of existing businesses on the mill complex also park on surrounding residential streets. Subsequently, in light of existing parking problems in the village and around Chapel Lane, the lack of parking proposed with this development raises significant concern. Additional vehicles parking on the highway and surrounding residential streets is likely to exacerbate existing congestion problems and would comprise public safety, potentially affecting the operation of the highway as a whole. On this basis, despite student accommodation not having the same parking demands as ordinary residential development, the absence of any parking for students (with the exception of the accessible spaces) in a rural village would lead to potentially severe highway impacts. The Highways Authority have not indicated that one parking space per unit would be required, but that a modicum of parking provision should be provided. On this basis the development conflicts with paragraph 17 and 32 of the NPPF and DM20, DM22, DM35 and DM46 and appendix D of the Development Management DPD.

7.23 There is also concern that the level of cycle parking provision is inadequate, particularly given the requirement to maximise more sustainable transport modes. The Development Management DPD standard would require 1 cycle space per unit yet only 30 spaces are proposed. The location of the cycle stand, remote from the accommodation, is also a concern raised by the Highway Authority. It is also an issue in respect of heritage impacts. One solution would be to provide internal cycle storage within the building itself. This would also free up some additional parking. The existing site plan indicates that within the applicants control there are 19 existing spaces. It would seem sensible in the circumstances to try and retain and improve on the existing level of parking rather than reduce it. Policy DM22 states that car-free development or development proposed which incorporates limited car parking will only be considered acceptable in appropriate locations where there is clear justification for the level of provision proposed, having consideration for the current and proposed availability of alternative transport modes, highway safety, servicing requirements, the need of potential users and the amenity of occupiers of nearby properties and other parking facilities. It is contended that the proposal fails to comply with this element of the policy. As a consequence of the

knock-on effects of students potentially parking on-street in an area that already suffers congestion, the proposal also fails to comply with policy DM20. The submission of a Travel Plan can alleviate concerns, but it is clear from the highway response that only the provision of 5 accessible parking spaces associated with students occupying the development would not be acceptable.

#### 7.24 **Amenity for Future Occupants**

The proposed development consists of a large proportion of studio rooms to be occupied by students. Policy DM46, appendix D and F are relevant. The crux of these policies aim to ensure student accommodation is appropriately located – in sustainable locations – provides an acceptable standard of accommodation for future occupants and does not cause adverse impacts to the amenities or the local area or nearby residents. DM46 places emphasis on student accommodation being located in the city centre of Lancaster where services and amenities are readily available including very good public transport links to the universities. However, it does not preclude student accommodation being located outside the city centre provided the proposal complies with other criteria set out in this policy. Galgate is identified as a sustainable rural settlement in the Development Plan, located approximately 1km south of Lancaster University's campus accessed via Chapel Lane, which is also a designated on road cycle route. Subsequently, the principle of purpose built student accommodation in Galgate village opposed to the city centre is considered acceptable.

7.25 With regards to the layout and quantum of accommodation proposed, it is acknowledged that in the majority of cases, the studio apartments are of sufficient size and comply with the 19sq.m requirements set out in the Development Management DPD. Each studio provides a layout which demonstrates that the typical furniture is capable of being accommodated with a reasonable level of circulation space, although the existing columns are located in inconvenient positions within a number of the rooms. This would not however lead to sub-standard accommodation.

7.26 There are, however, 37 rooms out of 107 that do not benefit from any outlook. Appendix D of the Development Management DPD states that all living spaces must have an adequate level of natural light and adequate outlook (i.e. clear glazed windows with the lowest part of the glazing set at a height no greater than 1.5m from the finished floor level with a separation distance of at least 12m between the window and any wall or 21m where windows face each other). The layout proposes 32 studio rooms with windows facing into the central atrium. The only windows serving these studios directly facing each other with separation distances of approximately 3.6m (across the atrium/staircase). The separation distance between these studios is far from acceptable and at such a close distance future occupants would not have sufficient privacy. The applicants' solution to avoid a loss of privacy and overlooking is to obscure glaze these windows. This solution would not comply with adopted policy and is considered to constitute a sub-standard and oppressive form of accommodation. The only windows serving their studio would be an obscure glazed window. The concerns here are exacerbated by the lack of information provided to demonstrate the size of the openings facing into the atrium (i.e. no internal elevations of the atrium have been provided).

7.27 The only natural light available would be via a new glazed atrium in the centre of the mill. The applicant has provided a report with a proposed lighting design to justify the layout proposed. This report concludes that there will be low lux levels on the lower floors, but will be adequate for the purpose these studios are intended. They go on to recommend the use of artificial light to supplement the natural daylight levels. The applicant proposes 32 rooms with no outlook and the lower floor studios with poor natural daylight and argues this is acceptable for the intended purpose. This standard of accommodation would not be tolerated for other forms of residential accommodation – perhaps contrary to the applicant's view, student accommodation should be considered no different. In fact there is perhaps a greater argument that student accommodation such as this where all their facilities are provided in one studio apartment (kitchenette, living/study space and bedroom) should always seek to secure high quality design and a good standard of amenity for future occupants, as required by the NPPF (paragraph 17). The Inspector for the relatively recent appeal case concerning the conversion of the Sultan in Lancaster for student accommodation made a point when dismissing the appeal, that the *'combination of poor light and limited outlook would make for a depressing environment...and inheritably poor quality accommodation'* and concluded that the *'proposal would not provide acceptable living conditions for the intended occupants, nor a satisfactory addition to the housing stock'* (APP/A2335/A/12/2185124). This decision reinforces the concerns above in respect of this proposal.

7.28 In addition to the rooms located around the atrium, the proposed development includes 5 studio apartments on the ground floor level at semi-basement level. These are intended to be accessible

rooms. Local planning policy states that it is very unlikely that living spaces within basements or lower ground floors will be supported. It is acknowledged that these rooms are larger than the other rooms proposed and that air conditioning and heating is proposed. They will benefit from natural light but will not have any outlook. Large remote-controlled rooflights are indicated on the plans. The provision of accessible rooms is something that the Council wishes to support, therefore exceptions and flexibility to the standard of accommodation could be considered. However, there remains concerns as the applicant has failed to adequately demonstrate that the five accessible rooms are a suitable use given they physically adjoin a party wall with an unrestricted, B2 industrial use to the east. The planning statement argues the thickness of the wall would be sufficient and that walls, ceilings and floors will be soundproofed to exceed current building regulations. This may be acceptable from a planning perspective but such interventions may have listed building implications. That said, the rooflights would potentially have to be fixed. A better assessment of this relationship should have been explored by the applicant with specific mitigation measures forming part of their proposal. Due to the listed status of the building, conditioning such detail is not appropriate.

- 7.29 Other studio apartments on the upper floors facing the industrial estate should also have been assessed with detailed mitigation put forward to demonstrate that the proposed use is compatible with the neighbouring employment uses. It is acknowledged from the plans that all rooms are intended to have air conditioning, therefore it is assumed, as there is no clear detail provided within the submission, that the windows will all be fixed in the closed position to avoid noise and smell nuisance from adjoining employment development. Such mitigation could be acceptable, however, it is not clear exactly what is proposed in relation to the windows (as noted above in the heritage section of this report). Furthermore it is acknowledged that the floors above first floor level do not physically adjoin buildings used for industrial purposes, due to the smaller scaled buildings to the rear of the mill. On this note, it is considered that the applicant could resolve these concerns with further information and assessment being provided. Again, due to the listed status of the building, conditioning such detail is not appropriate.
- 7.30 Development proposals of this nature should adequately demonstrate that there is sufficient cycle and refuse storage and that the proposal adequately ensures the scheme is safe (access/security). The proposed development does not appear to provide sufficient, convenient refuse storage for a scheme of this scale. The applicant contends that each floor has recycling and refuse collection areas and that there is a bin store proposed adjacent to the proposed parking areas (marked in red on a plan – not labelled). Each floor, with the exception of the ground floor which proposes no refuse storage internally, proposes a 1sq m room/cupboard for recycling and refuse. The external storage area, which is potentially large enough to accommodate 5 x 1280 litre bins plus recycling storage, is inconveniently located away from the student accommodation up against the boundary with Ellet House. There are equally no details of the scale and appearance of this refuse storage area. The applicant contends that there will be cleaners employed to manage the refuse. However, it is not considered practical or convenient to locate the main external refuse area at the far end of the estate expecting students or the cleaners to take rubbish from various floors for 107 studio apartments and a museum/café a considerable distance to the main bin store. At this time, Officers are not convinced that the proposal but forward to deal with refuse is reasonable or practical. Again, subject to the fundamental concerns of the proposal, the applicant could amend the scheme to resolve these concerns. A solution would be providing a large internal store at ground floor level which provides appropriate access for refuse collectors. It may be that a management plan would be required indicating private refuse collection (rather than the city council) is the best solution.
- 7.31 The covered external cycle store is located adjacent to the proposed parking areas at the other side of the mill. There are already concerns about the location of the cycle stand from a heritage perspective, but it is considered that the position of the cycle stand located some distance from the main entrance where there is no natural surveillance of the cycle stand from the application building, is not convenient, easily accessible or particularly secure. Appendix D of the DM DPD states that 'if no rooms are available within the building...then a secured and full covered storage facility must be provided within a secured external area within the curtilage of the buildings without having an adverse impact on the street scene'. It is contended that the proposal does not meet the requirements of this policy. A simply solution would be providing internal cycle storage within the shell of the building and increase the level of provision too. This too could free up for space for additional parking.
- 7.32 Overall, for the reasons set out above, the proposed development constitutes sub—standard accommodation and therefore fails to comply with paragraphs 17 and 123 of the NPPF, DM35,



**7.33** Other considerations

The Contaminated Land Officer has objected to the development due to the lack of information provided. This issue in itself would not warrant a refusal of planning permission. If the proposals were acceptable, a suitably worded condition could deal with these outstanding issues.

In addition to the above, local residents have raised concerns over a loss of residential amenity as a consequence of the mill being occupied by students, particularly those close to the estate. Whilst these concerns are understandable, the application building is separated from properties on Crofters Fold by an existing, albeit lower, industrial building. The mill building and windows overlooking (at an elevated position) neighbouring residential areas are existing. The mill will ultimately become more intensively occupied than the last use and may give rise to the perceptions and feelings of overlooking, but in the interest of securing a long-term use for the mill, Officers do not find that a refusal reason on such grounds should be pursued, as such a reason could ultimately stifle a future, more appropriate, mixed use proposal for the mill. Fining an optimum viable use which could include a residential element would potentially secure a long term sustainable use for this iconic, historic mill building. On balance, and in the public interest, this is significantly important.

**8.0** Planning Obligations

8.1 None

**9.0** Conclusions

9.1 Whilst the proposal provides an opportunity to secure a long-term use for the listed building, the scheme presented raises a number of fundamental concerns which for the reasons set out above would outweigh the benefits of the proposal. There is a need to secure a sustainable long term use for the mill, but at this time, that need is not such to warrant unacceptable development being supported. However, Officers are of the opinion that the applicant has got good intentions to preserve the mill for future generations to enjoy – this is evident in their proposal to support and fund a small museum within the mill building itself, but it is about finding the optimum viable use. Officers believe that there is scope to develop the mill building and would be prepared to engage with the developer to work up a scheme which is more likely to be favourably considered. In accordance with local planning policy, there is clearly prospects to develop the site as a mixed use development comprising a greater level of employment use within the mill with student accommodation above. For example, the ground floor could be utilised similar to that proposed with the exception of cycle and refuse storage being incorporated into the layout. The floor above could be retained in an open plan format to preserve the historical open plan character of the building and used, for example, as shared workspace (rent-a-desk type accommodation) – similar to the set up at Halton Mills. Some subtle sub-division could be provided to provide start-up workshops (etc) all restricted to B1 uses so that the employment uses are compatible with residential uses above. The upper floors could then be used for student accommodation provided the issues over the standard of living accommodation are resolved. This example above is not by any means set in stone, and ultimately it is for the developer to approach the authority with their reasoned justification why an alternative scheme would not be suitable or to discuss a better mixed use proposal for the site. In conclusion and in accordance with paragraph 14, 49 and 134 of the NPPF in particular, the adverse impacts of the proposal discussed above would significantly and demonstrably outweigh the benefits of the proposal. On this basis, members are recommended to refuse planning permission.

**Recommendation**

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

1. The proposal will result in the loss of employment land within the rural area without it being demonstrated that the ongoing employment use of the site is no longer appropriate or viable. It is also not considered that the benefits of the proposal would outweigh this loss and would therefore not lead to a sustainable form of development. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 3, Saved policy EC16 of the Lancaster District Local Plan, Policy SC1 of the Core Strategy and Policy DM15 of the Development Management Development Plan Document.

2. Insufficient information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed and evidence to demonstrate the proposal is the optimum viable use for the building. IN the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. Furthermore, it is considered that from the information provided that the proposal would lead to some less than substantial harm to the building itself (internal partitions/loss of part of the external fire escape) and the setting of the listed building by virtue of the location and size of the proposal cycle storage facility and that the public benefits of the scheme would not outweigh the harm to the heritage asset when considered on balance with all the other concerns relating to the proposal. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.
3. The level of parking proposed for a development of this scale and kind in a location that suffers congestion and on-street parking and where access to alternative parking provision is unavailable, is likely to lead to increased on-street parking thereby exacerbating existing parking and congestion problems in the village, Chapel Lane and Hazelrigg Lane to the detriment to public safety and the operation of the local highway network. The lack of cycle parking provision and the inappropriately located cycle store would not overcome the concerns and would further discourage future occupants from choosing to use more sustainable transport modes, such as cycling. Subsequently, the proposed development is considered contrary to paragraphs 17 and 32 of the National Planning Policy Framework and policies DM35, D20, DM22, DM46 and appendix D of the Development Management Development Plan Document.
4. The proposal will result in an unacceptable and poor standard of accommodation for a significant number of the studio apartments proposed in terms of the amount of natural light and outlook that will be available to future occupants of the accommodation to the detriment of their amenity. Furthermore, the applicant has failed to provide sufficient evidence to convince the local planning authority that residential development physically adjoining and sitting adjacent to unrestricted industrial uses is appropriate or that sufficient, appropriate and practical refuse storage can be provided for a proposal of this scale. The proposal is therefore contrary to paragraph 17 and 123 of the National Planning Policy Framework and policies DM35 and DM46 and appendix D and F of the Development Management Development Plan Document.

**Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

The local planning authority attempted to work proactively with the applicant/agent at the pre-application stage and highlighted concerns with the proposal as prescribed above in accordance with the provisions of the National Planning Policy Framework, but regrettably the application has still been submitted against the advice of the local planning authority or without taking full account of the concerns or providing sufficient justification to depart from that advice. A resubmission of the proposal incorporating the local planning authority's pre-application advice and that prescribed in the report above may be considered more favourably.

**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 A6</p>	<p>Committee Date 5 January 2015</p>	<p>Application Number 14/01048/LB</p>
<p><b>Application Site</b></p> <p>Galgate Mill Chapel Lane Galgate Lancashire</p>		<p><b>Proposal</b></p> <p>Listed building application for works to the Mill including replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance, safety door and access ramp, repairs and relocation of railings to pavement, various internal works to false ceilings, partitions, steps/staircases and flooring, partial removal of external rear fire escape and removal of external lift</p>
<p><b>Name of Applicant</b></p> <p>Mr Ayub Hussain</p>		<p><b>Name of Agent</b></p> <p>Imtayaz Patel</p>
<p><b>Decision Target Date</b></p> <p>2 December 2014</p>		<p><b>Reason For Delay</b></p> <p>Committee cycle</p>
<p><b>Case Officer</b></p>		<p>Mrs Jennifer Rehman</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Refuse</p>

**1.0 The Site and its Surroundings**

1.1 The application site is located at the northern end of Galgate beyond the main built-up part of the village within Ellel Parish. It forms part of the listed Galgate Silk Mill complex which comprises a number of buildings but predominately consists of a former corn mill that was converted to a silk spinning mill in 1792 on the west side of Chapel Lane and the large mill dating 1851-2 on the east side of Chapel Lane. The application site relates solely to the large five-storey brick built mill on the east side of the road and not the attached buildings around it. The application building, like the other mill buildings in the immediate area, are grade II listed (under 2 separate listings). Ellel House sits alongside the northern boundary of the mill complex and is also grade II listed, along with St John's Church which is situated north of Ellel House. Collectively this group of listed buildings form a small historic core in the northern part of the village.

**2.0 The Proposal**

2.1 Listed building consent is sought for works to the Mill to facilitate the change of use to provide 107 student studio apartments with communal/leisure facilities and museum. The works include replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance porch, safety door and access ramp, repairs and relocation of railings to pavement, various internal works including the removal of floors to provide central atrium, insertion of internal partitions, steps/staircases and flooring, partial removal of part of the external rear fire escape and removal of external lift.

**3.0 Site History**

3.1 The Galgate Mill complex has a long established history as an industrial estate. Uses have changed and evolved over time but predominately remain within the B1, B2 and B8 uses. There is no

planning history connected with the use of the application building solely for retail purposes. However, it is acknowledged that the last use of the application building comprised a mixed use of storage and distribution, workshop, office space and associated showrooms involving an element of retail operations and this had operated for some considerable period of time. The table below includes some of the history relating to new and proposed uses. The site has been subject to various other applications relating to listed building alterations and building operations, such as the installation of flues, platforms and steps, insertion of doors and extensions (mainly to the rear of the Mill building).

**4.0 Consultation Responses**

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

Consultee	Response
<p><b>Conservation Officer</b></p>	<p><b>Objection</b> on the following grounds</p> <ul style="list-style-type: none"> <li>• Insufficient detail submitted to assess the full impact of the proposal on the fabric of the building, such as insulation/sound attenuation measures on party walls with adjoining industrial uses and the proposed acoustic window details.</li> <li>• Loss of part of the external fire escape – this should be retained unless sufficient justification is provided.</li> <li>• Lack of precise detail of the proposed porch extension (there is inconsistency in the submission in this respect).</li> <li>• The location of the cycle stand will adversely affect the setting of the Mill (views from Chapel Lane)</li> </ul>
<p><b>Lancaster Civic Society</b></p>	<p>Supports proposals to restore this Grade II listed building. While acknowledging that care and attention has been devoted to plans for maintaining or refurbishing its historic features, we share the reservations expressed by the Conservation Team. It is unfortunate that the attached ground and first floor buildings – some of them in a dilapidated condition will remain and detract from the appearance of the restored structure. Reference to a proposed Silk Museum sounds attractive but we are disappointed at the amount of space allocated (much of it in the form of a café) and the limitation on opening hours.</p>

**5.0 Neighbour Representations**

5.1 At the time of writing this report one letter from an adjoining business has been received raising objections to the location of the proposed cycle rack directly outside the silk mill café. This is considered an eyesore due to the position of the café elevated above the floor level of the café. Objections have also been received in relation to the lack of parking.

**6.0 Principal National and Development Plan Policies**

Paragraph 17 – Core Principles  
 Paragraphs 56, 58, 61, 64 – Good Design  
 Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment  
 Paragraphs 188-190 – Pre-application engagement  
 Paragraphs 196-198 – Determining planning applications

6.1 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

6.2 The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

Development Management DPD

DM8 – Re-use and Conversion of Rural Buildings

## **7.0 Comment and Analysis**

- 7.11 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should have only grant listed building consent subject to the following condition set out in s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Paragraph 132 of the NPPF seeks to express the statutory condition set out in s16(2) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.
- 7.12 It is commendable of the applicant to pursue a development proposal that could secure a potential long-term use for the Mill, particularly gives its historical significance and iconic landmark feature in this part of the district. This is also acknowledged by the Parish Council and Civic Society. However, the application as it stands has failed to provide sufficient information to fully assess the impacts of the proposal on the significance of the designated heritage asset.
- 7.13 A detailed heritage assessment has been submitted with the application including a separate statement in respect of the museum element of the scheme in accordance with paragraph 128 of the NPPF. The submitted assessment concludes that *‘the Galgate Mills complex as a whole can be defined as being of Outstanding Significance, incorporating a wide range of structures, of differing rarity and survival, with an extremely high group value and archaeological potential. The buildings represent a very rare survival of a silk-spinning complex within Lancashire, and potentially incorporate elements of the earliest surviving silk-spinning factory in the country’*. Those elements of the building considered *outstanding significance* are the external elevations of the main mill, the boiler house, warehouse range and chimney. Elements of the main mill considered *great significance* are the internal columns and upright shaft bearings and elements considered *some significance* are the engine bed, privy tower, fire-fighting apparatus (including the fire escape), bearing boxes and the window frames. There are elements of the main mill which are considered to be of *lesser significance*. These include the ceiling beams, floorboards the lean-to extension (where the accessible rooms are proposed), wright-iron railings, personnel tunnel and internal spiral staircase. The negative elements include the external lift tower to the south side of the mill and internal partitions.
- 7.14 The existing mill represents a typical, historical industrial building evident by the large open plan spaces and is clearly not designed for residential occupation. The elements of the building considered *outstanding* or of *great significance* shall be retained, this includes the external elevations of the mill, the chimney and the internal columns. However, to deliver the proposal the development involves various interventions and internal alterations. The main internal changes involve the insertion of a significant number of internal partitions (defined in the heritage statement as negative components of the building) and the removal of areas of the floors/ceilings to create a central atrium. The application proposes the remove the external lift tower which is a benefit to the scheme along with various remedial works set out in the structural report, which are also benefits to the proposal. The heritage statement indicates that the proposal does not require any significant alterations to the exterior to the mill block. There will be repair and pointing work to be undertaken which will enhance the building along with modifications to the façade where later openings were inserted. These works are supported and the precise details (such as mortar and repointing specifications) could be conditioned. Unfortunately, there is a lack of clarity and inconsistency in the submission in relation to external works, particularly in relation to the windows. The heritage statement makes little mention of what is proposed to the existing windows. The application form and planning statement suggest replacement windows are proposed and the plans indicate that acoustic laminated glass will be used, but it is not clear if this is to be used within the existing frame or in secondary glazing. Either method, detailed information needs to submit in the application to determine if it’s possible without significant impact on the fabric of the

building. To try and resolve the lack of clarity, the applicant has recently indicated that the timber windows will be renewed of exactly matching appearance but double glazed and has provided a sample. This sample is not considered acceptable. There is preference for the existing windows to be repaired where possible and retained with appropriate secondary glazing systems used. However, if the applicant can evidence that this is not a feasible solution replacement windows could be acceptable, provided they are good match to the historical form and appearance. At this time, there is insufficient information submitted in respect of the proposals to the external windows to fully assess the impacts of such changes on the significance of the heritage asset.

- 7.15 In addition to the window replacements, the proposed development will require substantial upgrading to the fabric of the building to improve the insulation properties of the building. The plans do not show any internal insulation being proposed to the external walls. Although the walls are substantial in construction some sound insulation may be required as the development is within an industrial site, this could particularly be the case on the party wall. Similarly, the plans indicate air conditioning and ventilation systems will be provided but there are no details about what this will involve and how such systems will be inserted into the fabric of the building. Whilst it may be entirely possible to provide such systems, at this time there is insufficient detail submitted to assess how this would affect the fabric of the building. It is considered that these concerns could be overcome with the submission of more precise detail.
- 7.16 Other concerns relate to the loss of part of the external fire escape. This is a feature that should be retained unless there is strong justification for part of its loss. In the heritage assessment the external fire escape is identified as a priority 3 structure, due to the rare completeness of the firefighting arrangements it is considered this increases its significance. There is no justification for part of its removal. With regards to the proposed porch extension, the level of detail provided is poor. The construction and actual appearance of this porch extension is not detailed enough to be certain the extension is appropriate. That said, Officers agree that a contrasting modern porch extension with a greater use of glass is desirable and that the applicants are heading in the right direction in respect to the scale and form of this small addition. Again, this issue could be overcome with more detailed information. There is also a lack of detail in respect of the internal elevations and design of the atrium. There are no elevations internally to view how these alterations would affect the historic fabric, character and significance of the heritage asset.
- 7.17 By the applicant's own admission (within the heritage statement) the insertion of partition walls are considered negative elements. On the lower ground floor existing internal partitions will be removed. The lower ground floor will provide (to a certain extent) areas where the open plan, utilitarian, industrial feel to the mill will be experienced, such as in the communal spaces and museum. There is no area within the development proposal where the whole floor plate will be completely open (as original) to truly experience the special open character to the listed mill. It will be possible, however, to view the columns in the centre of the building through the atrium which extends over the 5 floors, though the exact manner of construction of the atrium is not clear. Notwithstanding this, the heritage statement indicates that the intention of the atrium is to enable the column and beam structure to be revealed from ground level through to the roof, which despite the removal of limited sections of all the upper floors would be one way to experience and read the construction of the historic mill. The upper floors will all then be subdivided to provide around 26 studio rooms per floor. This will involve a significant number of new internal partition walls being installed within the fabric of the building. The columns will be retained but in the majority of cases hidden behind new internal partition walls. It is argued that the internal partitions are all reversible. Whilst this may be the case, it cannot be concluded that the proposal would not lead to some harm to the heritage asset. Paragraph 134 states *that where development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
- 7.18 There is no dispute that finding a sustainable end use for the Mill building carries significant weight in the determination of the application. It is acknowledged that the proposal provides an opportunity to secure investment in the mill to avoid further disrepair and that the applicant has good intentions in respect of restoring this important historic building. The applicant is also commented for pursuing the museum element of the mill. This would be a significant asset to the village and wider area as it will highlight the historic importance of the mill and Lancaster (as a trading port/industrialisation) in general. It is not possible to accept the internal alterations and interventions proposed to the listed building without concluding the proposal end use acceptable.

- 7.19 The applicant contends that this proposal provides a long term end use for the mill and with this will come repair, improvements and ongoing maintenance to secure and reveal the special outstanding significance of the mill building. Where there is harm, such as the insertion of partition walls and removal of part of the fire escape, this harm should be weighed against the benefits of the proposal. It is understood and acknowledged that interventions to permit sustainable end uses to listed buildings can be considered permissible to avoid decay and ultimately loss of designated heritage assets, so long as the significant historic structures and features are largely retained. NPPG (paragraph 015) indicates that the *vast majority of heritage assets are in private hands. Thus sustaining heritage assets in the long term often requires incentive for active conservation.* The structural report submitted concludes that the current condition of the mill is generally very good and that whilst there is a need for some remedial work in isolated locations, it is relatively nominal. The report indicates the building is suitable for residential conversion. Subsequently, it is important to consider whether the proposal put forward is actually the optimum viable use for the building, bearing in mind the optimum use may not be the most profitable (paragraph 015, NPPG). There has been no enabling development case put forward by the applicant, other than this proposal will provide a long term sustainable use. Subsequently, having contended that the development proposed under the corresponding change of use application, it would not be appropriate nor acceptable to support the level of internal works proposed which are considered to lead to less than substantial harm, such as the internal partition and loss of part of the fire escape, if there is not end use which would provide an argument that the public benefits outweigh the harm.

## **8.0 Planning Obligations**

- 8.1 None

## **9.0 Conclusions**

- 9.1 Whilst this application includes some works which could be supported, such as the remedial repair work, repointing, the removal of the external shaft and alterations to the facade to restore original openings, other works proposed, such as the internal partitions, would not be acceptable in the absence of an end use being supported to secure the long term future of the listed building. Such work in would lead to harmful impacts. Finally, in relation to the porch extension, internal ventilation and sound attenuation measures, replacement windows and the proposed atrium, there remains a lack of detail to fully assess the impacts of the proposal on the special architectural and historic interest the listed building possesses. On this basis, the application is considered contrary to national and local heritage related policy and should not be supported at this time. It is hoped, that the developer will pursue an alternative proposal and provide sufficient information to enable the local planning authority to support a proposal and listed building works to secure a sustainable use for this important building.

## **Recommendation**

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

1. Insufficient information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed. In the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.

## **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.



The local planning authority attempted to work proactively with the applicant/agent at the pre-application stage and highlighted concerns with the proposal as prescribed above in accordance with the provisions of the National Planning Policy Framework, but regrettably the application has still been submitted against the advice of the local planning authority or without taking full account of the concerns or providing sufficient justification to depart from that advice. A resubmission of the proposal incorporating the local planning authority's pre-application advice and that prescribed in the report above may be considered more favourably.

### **Human Rights Act**

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

### **Background Papers**

None

<p>Agenda Item A7</p>	<p>Committee Date 5 January 2015</p>	<p>Application Number 14/01136/OUT</p>
<p><b>Application Site</b> Land To The East Of St Wilfrids Hall Foundry Lane Halton Lancashire</p>	<p><b>Proposal</b> Outline application for the development of 4 residential detached dwellings.</p>	
<p><b>Name of Applicant</b> Ms Nicola Thornton</p>	<p><b>Name of Agent</b> JMP Architects Ltd</p>	
<p><b>Decision Target Date</b> 23 December 2014</p>	<p><b>Reason For Delay</b> Officer workload and request for committee determination</p>	
<p><b>Case Officer</b></p>	<p>Andrew Holden</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval subject to conditions</p>	

(i) **Procedural Matters**

This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Woodruff for the application to be determined by the Planning Committee. The reason for the request is because it is considered the application warrants examination over: -

- Potential concerns regarding access
- Potential issues regarding traffic capacity, and
- Tree matters

**1.0 The Site and its Surroundings**

1.1 The application site is located on the edge of the village of Halton, to the north of Lancaster. The site lies outside but bounding the Halton Conservation Area to its western boundary. The site is open field falling gently north to south with existing residential development of three sides with open land to the north. The site is accessed from Foundry Lane via a private road known as The Garden which serves four new dwellings and a long established nursing home known as St Wilfrid's Hall. The plot is a little over 0.4 ha and is rectangular in shape with the site access to the north west of the plot.

1.2 The site abuts the rear gardens to two storey residential properties on St Wilfrid's Park, Rectory Paddock to the south and the garden area to St Wilfrid's Hall and part of the garden to No.4 The Gardens to the west. Most of the rear gardens to the St Wilfrid's Park are substantial in length at over 25m. Existing dwellings to the south have shorter gardens but with a differing orientation from the development site. In addition to long gardens the boundary between the sites comprises in part substantial shrubs and maturing trees. The western boundary with St Wilfrid's Hall has a substantial tree belt along the full length of the site boundary, most of which are statutorily protected via a Tree Preservation Order.

## **2.0 The Proposal**

- 2.1 The application is an outline one for 4 houses with Mean of Access, Layout and Scale being applied for.
- Means of Access covers accessibility for all routes to and within the site as well as the way they link to other roads.
  - Layout includes building routes, and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development.
  - Scale includes size of the development, including height, width and length of each of the proposed buildings
- 2.2 Access to the site is to be gained off The Gardens a 5.5m wide shared surface road linking to Foundry Lane. The site entrance road is to be 5.0 m wide and of shared surface design. The road will run from The Garden alongside the boundary of No. 4 The Gardens into the main application site, a rectangular field measuring an average of 27m wide and 120m long falling approximately 6m north-south over its full length. The road incorporates a full size turning head at its northern end and turns south following the western boundary of the site to serve the remaining dwellings.
- 2.3 The proposed dwellings are to be two storeys in height with an east-west orientation to the roof and predominantly south-facing windows. The dwellings are spaced evenly down the length of the plot with garden areas to the south of each dwelling and an attached single storey double garage on the north. The plots provide parking for up to four vehicles (double garage and driveway). The footprint of the main dwelling is 13m x 6.8m. The overall height of the dwelling is 8.27m with an eaves height of 5.21m. A double garage approx. 5.5m square is attached to the north of each dwelling. The scheme will demand minor changes in land levels to create level garden areas with a small step across the plot of no more than 600mm.
- 2.4 Existing planting on the eastern boundary is to be retained where possible and supplemented with a new native species hedgerow and a 1600mm 'hit and miss' fence. The western boundary to St. Wilfrid's is to remain untouched other than the creation of a link footpath from the new road between trees to an existing footpath which serves St Wilfrid's Hall from Foundry Lane at its south end.

## **3.0 Site History**

- 3.1 The main application site has a limited planning history. A small part of the site at its north-western end along with a southern part of the main garden area to St Wilfrid's Hall was subject of a planning application and subsequent appeal for the erection of 9 single storey sheltered units (originally submitted at 8 but varied to 9 dwellings prior to the appeal hearing). The appeal was dismissed as it was considered that the development of the units would cause harm to the character and appearance of the Conservation Area.
- 3.2 The site access road is also contained within an extant consent for the erection of a two storey rear extension on the north elevation of the neighbouring nursing home. The plans were originally approved in 2007 under 07/00688/FUL and has been renewed in 2010 and again in 2012. The 2012 consent, 12/01074 granted in January 2013 could enable the extension to be developed until 2016.
- 3.3 The approved scheme encompasses land to be used as the site access for the current proposal and has conditions attached to it to ensure screen tree planting is introduced along the boundary with No. 4 The Gardens should the extension be developed.
- 3.4 The overlapping nature of the red edges for the two applications (approved and current) and the presence of conditions to develop planting for the approved extension would result in the ability (should the current application be approved) for only one of the two consents being able to be implemented.

## **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	No objections in principle, the development is to be accessed via a private road known as The Gardens and would not be adopted. Suggested conditions include turning area provision and off-site highway works (white lining at the junction of The Gardens with Foundry Lane to influence vehicle speed at the junction).
<b>Environmental Health</b>	No objections in principle suggested conditions, hours of construction, standard contaminated land conditions.
<b>Conservation Officer</b>	<p>No objections to the development subject to conditions (limiting height of development to no more than 2 storeys; slate roofs; other materials/finishes to be agreed). In reaching this recommendation consideration has been given to the impacts upon setting of the Conservation Area (CA) and St Wilfrid's Hall (unlisted heritage asset).</p> <p>Mature, dense tree planting on the western boundary forms an important element in the setting of the hall. These trees and vegetation will also, importantly, hide the development from the hall, which means that they will have little or no impact upon its' setting of the hall. The proposed access too will have little impact.</p> <p>Longer distance views of the site from within the CA, including from the other side of the Lune were undertaken when carrying out the site visit. It is considered unlikely that glimpses of the development will be possible when the trees are in full foliage. However, it may be possible during the winter months and so the conditions recommended above are considered appropriate.</p>
<b>Tree Protection officer</b>	No objections to the development, a Tree Protection Plan, Arboriculture Method Statement, Tree Works Schedule (if pruning is required) will be required. There are no protected trees or conservation area constraints on the site. Protected trees lies within the neighbouring St Wilfrid's Hall. The development does not affect any of the protected trees but seeks to remove 7 trees many of which have limited life expectancy. The loss of the trees is not considered to have a detrimental effect on the area but will result in a loss of habitat. Suggested planting ratio of 3 to 1.
<b>Strategic Housing</b>	No comments received within the consultation period
<b>United Utilities</b>	No objections – Separated system of drainage required
<b>Parish Council</b>	Comments awaited

## **5.0 Neighbour Representations**

5.1 6 letters have been received from neighbouring residents. All the representations raise objection to the development. The main grounds for objection include:-

- Inadequate Access, Turning Points, and Parking.
- Loss of Privacy and Overlooking.
- Impact upon the Halton Conservation Area
- Traffic to and from the Development
- Non-compliance with Government guidance
- Protection of Trees
- Local Traffic Impact
- Drainage capacity in the area
- Conflict with previously approved schemes
- Effect of construction/development upon adjacent buildings
- Conflict with a private right of way enjoyed by The Gardens

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 - Delivering Housing  
Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Saved Policies of the Lancaster District Local Plan

H8 - Housing in the Countryside  
 H12 - Layout, Design and Use of Materials  
 E4 - Countryside Area

Lancaster District Core Strategy (adopted July 2008)

SC1 - Sustainable Development  
 SC2 – Urban Concentration  
 SC4 - Meeting the District's Housing Requirements  
 SC5 - Good Design  
 E1 – Environmental Capital  
 E2 - Transport Measures

6.3 Development Management DPD

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

DM28 – Development and Landscape Impact  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM35 – Key Design Principles  
 DM41 - New Residential dwellings  
 DM42 – Housing Growth

6.4 Other relevant material considerations:  
 Draft Local Plan for Lancaster District 2011-2026  
 2014 Housing Land Supply Statement (July 2014)**7.0 Comment and Analysis**

## 7.1 The key material considerations arising from this application are:

- Principle/Housing supply
- Previous application/appeal decision
- Highway safety
- Residential Amenity
- Impact on trees

7.2 Principle/Housing supply

7.2.1 The site lies on the edge of Halton with existing residential development surrounding the site on three sides with only the northern boundary open to pastoral field. Halton is identified as one of the sustainable rural settlements in the District with a range of services available in the village

7.2.2 In terms of general housing need, the 2014 Housing Land Supply Statement (July 2014) sets out that only 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last ten years. As such, a 5 year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Development on the edge of Halton alongside existing residential development is considered to be sustainably located and as such would provide an important contribution towards housing supply within the District in a location which can be supported in principle.

7.3 Previous application/appeal decision

- 7.3.1 Parts of the site have already been the subject of planning applications (see Section 3). An extant consent for development exists until 2016, but would be void if the current application were to be developed as the red edges of the two applications render the consents mutually exclusive.
- 7.3.2 A part of the site at its NW end has also been the subject of a dismissed appeal for the erection of 9 single storey sheltered dwelling. The development was to be split with 6 houses in the grounds of the Hall and three within the field area, the subject of this current application. In dismissing the appeal the Inspector found that the field plays an important role defining the edge of the village concluding that the development of the three dwelling would have a harmful effect on the form and setting of this part of the village.
- 7.3.3 The Inspector found that development would erode the value of the meadow as an effective visual break between the residential character of St Wilfrid's Park and the grounds of the hall. The Inspector further concluded that the development of the three properties would not have a detrimental effect on the Halton Conservation Area.
- 7.3.4 The current policy position still seeks to protect against development which could affect the character of the conservation area this is reflected in the position taken by the NPPF and its accompanying Guidance. In respect of the development on the open field adjacent to residential properties it is considered that the planning position differs considerably from that outline in the Inspector's decision in 2000. The current application needs to be considered in respect of the current Development Plan and the acknowledged undersupply of housing as set out in section 7.2.2 above.
- 7.3.5 The relationship of the scheme to the neighbouring Conservation Area has been considered from examination of the submitted scheme and a detailed on-site inspection including assessment from more distant views across the River Lune. It is considered that the scheme will have limited visibility, particular when the trees are in leaf and would not impact upon the character of the conservation area. A view shared by the Inspector in 2000, albeit for a development of less massing and scale.
- 7.3.6 Notwithstanding the position set out in Paragraph 49 of the NPPF (see 7.2.2 above) it is considered that the current application could be supported in the context of the current policies contained within the Development Management DPD. Policy DM42 identifies Halton as a sustainable rural settlement within which proposals for new housing will be supported in principle. Policy DM41 - New Residential Development sets out criteria for new housing. Development should be effective but respectful of locational characteristics, located where services and infrastructure can accommodate expansion, be appropriate in dwelling mix with the Lancaster District Housing Needs survey. Greenfield development must prove that the benefits of the proposal outweigh any impacts on local amenity.
- 7.3.7 It is considered that the site constraints, particular its long narrow form with restricted depth limits the nature of the development to a single line of dwellings. The scheme has also acknowledged the relationship of housing on St Wilfrid's Park, with the orientation of the new dwellings away from the houses. The tree belt on the western edge protecting other dwellings. Any housing development will require garden areas as well as parking facilities leading to an approach which provides for a limited number of detached properties. The precise number of bedrooms is not identified as part of the outline scheme but given the footprint of the dwelling they are anticipated to be 3 or 4 bed dwellings. Halton has a slight over-supply of such dwellings but given the site constraints, the limited number of proposed units and the wider undersupply of housing across the District, the nature of the housing is not considered to be inappropriate.

#### 7.4 Highway safety

- 7.4.1 The application has been supported by a transport statement. The Highway Authority have no objections to the principle of the development. In practice, development of the scheme will lead to the provision of a private road linking to the existing private road known as The Gardens before access onto the public highway at its junction with Foundry Lane. The new road has been designed to allow a full-sized service vehicle to enter and exit in a forward gear as well as providing a shared road which is considered to be capable of accommodating the limited vehicle and pedestrian movements associated with the scheme. The road width would be sufficient for two-way car movements, if required. The new road leads onto The Gardens, which is again a shared road and considered of sufficient width and geometry to accommodate movements from the site.
- 7.4.2 The highway authority has acknowledged traffic speeds along Foundry Lane and has suggested

white-lining is provided at the developer's expense at the junction of The Gardens with Foundry Lane. This will improve use of the site access and seeks to influence vehicle speeds along Foundry with the demarcation of a formal access point. This can be addressed via condition and entry into a s278 Agreement with the Highway Authority.

## 7.5 Residential Amenity

- 7.5.1 The scheme has been designed to limit its impact upon neighbouring residential properties. The properties on St Wilfrid's Park mostly enjoy long rear gardens leading to separation distance of upto 30m between the rear windows and the gable of the new dwellings. The closest distances relate to properties at the southern end of St Wilfrid's Park but orientation and siting of the new dwellings is still considered to provide an appropriate degree of separation. Eaves and ridge heights for the dwellings have been set to reflect those of neighbouring dwellings and where the site boundary abuts closer properties on Rectory Paddock, a garden area is provided to the closest house to maintain separation distances. The general relationship to neighbouring residential properties is considered to be acceptable.
- 7.5.2 The access road is to be taken from the private road serving the Nursing Home and the four detached properties known as 1-4 The Gardens. The access will be sited along an existing level area owned by the nursing home but currently used to park a large campervan. The track leads to a thin belt of trees and shrubs forming the boundary to the main open field. The boundary to No. 4 The Gardens will run along the northern side of the access road. This boundary is formed by a stone wall to the front of the property, the side wall of a detached double garage and a 1.8m high timber fence running from the rear of the garage along the side boundary and returning along the rear boundary of the property. The main dwelling lies to the north of the detached garage approximately 7m from the boundary fence line.
- 7.5.3 The road will be shared-surface allowing pedestrians and vehicles to travel along the road. In practice, the provision of a new footpath link within the site onto the existing footpath in the grounds of the Hall, pedestrian movement from the new site into Halton are likely to be along the new footpath link on a much more direct route into Halton emerging onto the footpath Foundry Lane by the St Wilfrid's Lodge. Consequently, movement along the road will be predominantly vehicular in nature, which given the small number of dwellings will be limited.
- 7.5.4 The presence of a new road alongside a neighbouring boundary will clearly introduce additional movement and a low level of increased noise and disturbance to the occupants of the neighbouring dwelling. Loss of small trees on the southern edge of the road have been replaced with new tree planting to limit any increase in overlooking from the existing nursing home following the loss of some natural screening.
- 7.5.5 Overall, it is considered that given the relationship of the main house and garden area to the new road line and the low level nature of its use, the proposals will not be unduly detrimental to the amenity of the neighbouring residents.

## 7.6 Impact on trees

- 7.6.1 Land to the west of the site has large number of trees within it which are considered to be of high amenity value and are protected by a number of separate Tree Preservation Orders. In addition to this protection, trees located within Halton Conservation Area are also protected. The open field to the east of St Wilfrid's contains a number of smaller trees and shrubs but are not subject to any statutory protection.
- 7.6.2 The Arboricultural Impact Assessment and Method Statement recognises the status of the trees in the area and the need to limit impact. It is identified that the scheme will result in the loss of 7 trees in total many of which are considered to currently have little value and a limited life span. As a general principle, lost trees are to be replaced at an increased ratio.
- 7.6.3 The trees to be lost are as a result of the introduction of the access road and the siting of the dwelling. Two trees are to be removed on the boundary close to No. 4 The Gardens to facilitate the new road and the remaining lost trees are on the eastern boundary to facilitate the house footprint. New trees and hedgerow are to be introduced on the eastern boundary. A small group of trees are to be planted to the rear of the nursing home but as outlined earlier this is as much for residential

amenity reasoning. The works have been considered in detail by the Tree Protection Officer and no objections are raised over the nature and scale of the loss. The development is not considered to unduly impact upon trees in the area. Subject to condition to agree details, the development is considered to be acceptable in arboricultural and landscape terms.

7.7. Other Matters

7.7.1 The Contaminated Land Officer has recommended the submission of a contaminated land study and mitigation, if required. However, the site is open pasture and no history or evidence has been provided to indicate the potential contamination of the land through historic use. As such it is considered that the request is unreasonable and a simple unforeseen contamination condition should be attached to ensure that suitable investigation is undertaken should it be found necessary during construction.

**8.0 Planning Obligations**

8.1 None.

**9.0 Conclusions**

9.1 The site is located in a sustainable location, adjacent to existing development with links to services. The development will provide a small but important contribution towards housing supply within the District. It is considered that the development could be accommodated on the site without a significant impact on the highway network, residential amenity or the character and appearance of the conservation area and is served by an appropriate means of access. The principle of residential development on this site is therefore considered to be acceptable.

**Recommendation**

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

1. Standard outline condition with Appearance and Landscaping matters reserved
2. The footprint, scale of development and layout are as defined in the approved plans
3. Amended plans
4. Unforeseen contamination
5. Hours of construction
6. Layout to ensure vehicle can enter and exit the site in a forward gear
7. Off-site highway works (white lining of junction at The Gardens/Foundry Lane) to be agreed and implemented
8. Car parking to be agreed, provided and maintained
9. Provision of a Construction Method Statement and undertaking in accordance with agreed scheme
10. Landscaping scheme to be agreed
11. Additional tree planting to be agreed
12. No trees to be cut down other than those agreed
13. Detailed Arboricultural Method Statement to be agreed
14. Detailed Tree Protection Plan to be agreed
15. Development to be built on a separate system
16. Precise details of the foul an surface water systems to be agreed

**Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.



**Human Rights Act**

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

**Background Papers**

1. Appeal Decision – 8 (subsequently 9) sheltered accommodation units, 20 January 2000



# Appeal Decision

hearing held on Thursday, December 02, 1999

by David Richards BSocSci DipTP MRTPI JP

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

The Planning Inspectorate  
Tollgate House,  
Houlton Street  
Bristol BS2 9DJ  
☎ 0117 987 8927

20 JAN 2000

## Appeal: T/APP/A2335/A/99/1028265/P9

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Caring Homes Limited against Lancaster City Council.
- The site is located at St. Wilfrid's Hall, Foundry Lane, Halton.
- The application (ref: 98/00961/OUT), dated September 14, 1998, was refused on April 19, 1999.
- The development proposed is an outline application for 8 No. single storey sheltered accommodation units. Site area inc. new access and existing drive 1972 sq. m.

**Decision:** The appeal is dismissed.

### Procedural matters

1. The original outline application was for 8 sheltered units on a site to the south of St. Wilfrid's Hall. Following discussion with the Council, the appellant varied the application to a proposal for 9 sheltered units located in accordance with drawing JCP/047, which shows a group of 6 units to the south of the hall and a group of 3 units to the north. It was confirmed at the hearing that the Council had determined the application on this basis and I shall determine the appeal on the same basis. It was also confirmed that the new access referred to had been approved under another application (Ref: 98/00964/OUT), for residential development to the north of the hall, and therefore did not need to be considered as part of the appeal.

### The main issues

2. The main issues are the effects of the proposal on:
  - the form and setting of the western side of Halton village.
  - the character and appearance of Halton Conservation Area.

### The development plan and other policy considerations

3. The development plan for the area includes the Lancashire Structure Plan 1991 – 2006 (SP). Policy 10 states that development in rural settlements outside Green Belts will be limited to the use of (a) infill sites, (b) the rehabilitation and reuse of buildings, (c) affordable housing and (d) development which meets a particular local community or employment need.
4. The Lancaster District Local Plan (LP) is not yet adopted. The deposit version of the plan is dated October 1997, and the Inspector's report into the Local Inquiry is expected in Spring 2000. Policy H7 identifies Halton as a settlement where the development of suitable small sites for housing or the conversion of existing buildings will be permitted provided it meets certain criteria. These include that it should not have a significant adverse effect on the

character of the settlement, surrounding landscape or the amenities of adjoining residents, or result in the loss of an important open area. The deposit LP does not define a settlement boundary for Halton. However, the Council referred to Policies E4 and H8, which generally seek to protect areas defined as countryside in the Proposals Map of the emerging LP from development, as being appropriate to the consideration of this appeal. The appellant drew my attention to Policy H16 of the emerging plan which states that proposals for sheltered housing, either new build or conversion, will only be permitted where the site is convenient to the primary bus route or other major bus route, local services and facilities. As the plan has yet to complete several important stages on the route to adoption, I have given it moderate weight in reaching my conclusions.

5. Planning Policy Guidance Note 15 (PPG 15) – Planning and the Historic Environment sets out national guidance on development affecting conservation areas. Halton Conservation Area was designated in 1981 and extended in January 1999. The appeal site straddles the Conservation Area boundary but mostly lies within the area included in the original designation. I have taken into account the Halton Conservation Area appraisal which was approved by the Council in January 1999.

### Inspector's reasons

Effect on the form and setting of the village.

6. The village of Halton is set on the northern bank of the River Lune, on steeply rising ground. The historic core of the village including the church lies at the western end of the village, with more recent development stretching eastwards along the river bank. St. Wilfrid's Hall lies in its own grounds a little to the north of the church at the western end of the village.
7. This issue turns on whether St. Wilfrid's Hall and its grounds can be said to lie within the village, and therefore subject to Policy 10 of the SP and Policy H7 of the deposit LP, or not. On behalf of the appellant it was argued that visually, the site forms part of the village; that the southern part of the site abuts housing development, and the northern part is only some 50 metres away from the houses in St. Wilfrid's Park; and that the boundary wall along Foundry Lane provides a linking feature which serves to incorporate the appeal site into the village. It was also suggested that the inclusion of the site within the Conservation Area boundary is further evidence of it being part of the village.
8. To my mind St. Wilfrid's Hall has the character of a small country house standing in its own grounds on the outskirts of the village. It stands behind extensive lawns retained by a stone boundary wall along Foundry Lane. Mature tree planting around the perimeter of the grounds and an avenue of trees along the old drive leading to Foundry Lane are characteristic of the period of the house, and make an important contribution to the setting of the village.
9. The deposit LP does not define a settlement boundary. However, in my view, there is a definable line along the western edge of the St. Wilfrid's Park and Rectory Paddock developments which marks a clear transition in character from residential development to the more open and physically distinct character of the grounds of St. Wilfrid's Hall. This physical separation is reinforced by a meadow lying between the northern part of the grounds and St. Wilfrid's Park. Although part of the hedge on the western side of this meadow has been degraded by previous extensions to the Hall, the meadow itself still provides a strong degree of separation.

10. It is apparent from the application plans that the three units proposed to the north of the Hall would protrude into this area, and breach the current boundary line between the grounds and the meadow. In my opinion this would have a harmful effect on the form and setting of this part of the village. It would lead to an erosion of the value of the meadow as an effective visual break between the residential character of St. Wilfrid's Park, and the grounds of the Hall.
11. Turning to the six units proposed to the south of the Hall, these would stand in an area which I consider to be outside the appropriate boundary for development in this part of the village. It would intrude into an area which should in my view be kept open, because of its contribution to the setting of the village and to the character and appearance of the Conservation Area. I do not agree that inclusion of the site within the Conservation Area boundary supports the view that it is within the village. The Conservation Area boundary has been drawn to include many open areas which are important to the setting of the village, and which would be harmed by development, including the motte and bailey castle to the south of St. Wilfrid's and a number of open areas on the banks of the river. I consider that the grounds of St. Wilfrid's falls within this category.
12. I am aware that the Council has recently approved a development of four dwellings for general occupation to the north of the Hall, and that this points to some inconsistency in its approach to development in the grounds of the Hall. The Council had suggested the site would be suitable for sheltered accommodation to support the main business of the hall, but this has not occurred, and the four dwellings were under construction at the time of the site visit. However the development which has been permitted is relatively well contained within a site at the rear of the hall, and does not have the same harmful effect of eroding the physical separation between the Hall and neighbouring development as would the current proposals.
13. In my view the appeal site is not within the village boundary and therefore it is appropriate to consider the proposals under Policies E4 and H8 of the deposit LP, as lying in an area where residential development is not generally acceptable. Neither part of the proposals can be described as infilling under policy 10 of the SP. I therefore conclude with regard to this issue that the proposed development would have a harmful effect on the form and setting of the western side of Halton village, and would conflict with the policies of the SP and the deposit LP which seek to protect areas outside villages from development.

Effect on the Conservation Area.

14. The features of the appeal site which are important to the setting of the village also contribute to the character and appearance of the conservation area: that is to say the detachment from residential development, the mature planting, and the openness of the lawns forming the setting for the Hall. Whilst I do not consider that the three units to the north would have a detrimental effect on the conservation area, I consider that the six units to the south would be intrusive and inappropriate in this location, harmful to both the character and appearance of the conservation area. In saying this I do not criticise the illustrative design submitted with the proposal, but rather the principle of development in this location.
15. In my view the open lawns and mature planting which form the setting for the Hall are important elements in the character of the conservation area, and contribute positively to its appearance. Residential development, however modest in scale, would alter this character



and be wholly inappropriate. I do not agree with the view put forward by the appellant, that the units could be viewed as staff cottages or alms-houses contemporary with the period of the main Hall. To my mind, it would be extremely unusual to find such buildings on the main approach to a house of this type. The argument that the development would be well screened and not widely visible from public viewpoints does not in my view diminish the harm which would arise from the proposal. The development would be visible from the Hall, notwithstanding existing planting, and from the approaches to the Hall, which, though not open to the general public, receives regular visitors to residents.

16. In conclusion on this issue I consider that the proposal would cause harm to both the character and appearance of the Halton Conservation Area, and would therefore conflict with established national policy on development in Conservation Areas.

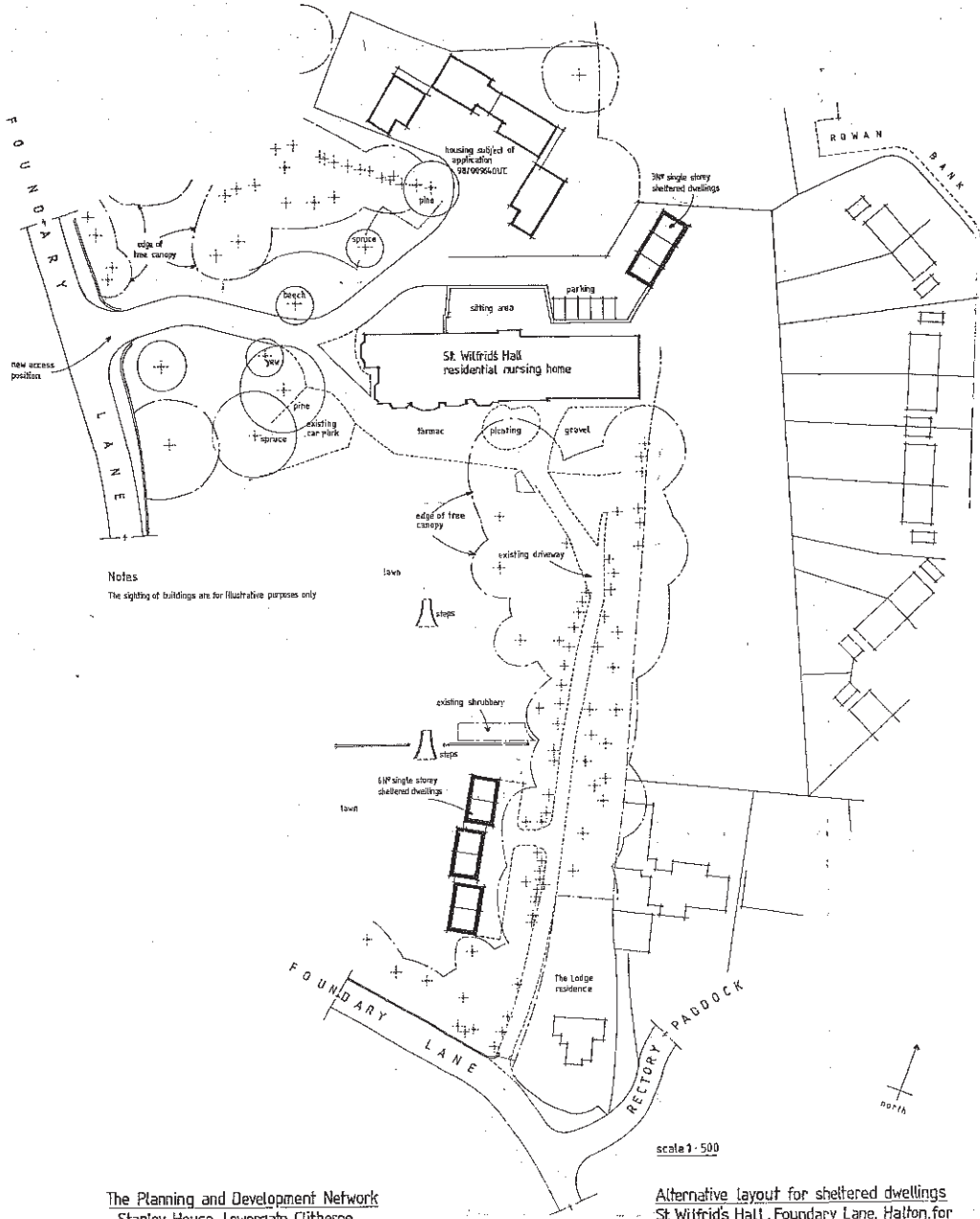
#### **Other matters**

17. I have taken into account all of the other matters which have been raised but none affect my conclusions on the main issues. Although it was argued the scheme would satisfy local needs for sheltered accommodation, no firm evidence of the extent of such needs was put before me, other than general statements. In my view, although a Section 106 obligation linking occupancy of the sheltered units with the care services provided by the existing hall has been offered, there is nothing which would guarantee that local needs would be met, as the units would be offered for sale. I also note the argument that the development is necessary to support the long term viability of the residential home. However I was presented with no firm evidence to this effect and in any case it would be unlikely to outweigh the strong objections to the proposal. I note that the opportunity to provide additional sheltered dwellings on the site currently being developed for 4 dwellings, which is to my mind better related to the hall and less harmful to the setting of the village, has been foregone. I have had regard to Policy H16 of the deposit LP, but I do not consider that the convenience to bus services outweighs the strong objections to the proposal on the grounds set out above.

#### **Conclusions**

18. For the reasons given above I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly.

*David Richards*



Notes  
The siting of buildings are for illustrative purposes only

The Planning and Development Network  
Stanley House, Lowergate, Clitheroe

Alternative layout for sheltered dwellings  
St. Wilfrid's Hall, Foundary Lane, Halton for  
Caring Homes Limited, Plough Rd Colchester

JCP/047

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<p>Agenda Item A8</p>	<p>Committee Date 5 January 2015</p>	<p>Application Number 14/00775/FUL</p>
<p><b>Application Site</b>  Land Opposite The Old Golf House Caton Road Lancaster Lancashire</p>	<p><b>Proposal</b>  Erection of a two storey restaurant with associated drive-thru, canopy, car parking and landscaping</p>	
<p><b>Name of Applicant</b>  McDonald's Restaurant Ltd</p>	<p><b>Name of Agent</b>  Ms Katie Harley</p>	
<p><b>Decision Target Date</b>  17 September 2014</p>	<p><b>Reason For Delay</b>  Ongoing discussion over highway issues</p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Holden</p>	
<p><b>Departure</b></p>	<p>Yes</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approve subject to conditions</p>	

(i) **Procedural Matter**

This scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Kay and Councillor Hamilton-Cox for the application to be determined by the Planning Committee. The reason for the request is because it is considered the application warrants examination in relation to traffic impact; highways safety; sequential test assessment given it's an out-of-town location for a town centre use (NPPF para. 24); environmental sustainability - distance from a walk-to population, litter, noise to residents; use of employment land; and the impact upon the setting of a Grade 1 Listed monument.

**1.0 The Site and its Surroundings**

- 1.1 The application site is situated approximately 1.5 miles north of Lancaster City Centre and occupies a corner location fronting Caton Road and the access road to Kidds Transport Ltd. The site is generally flat and level, set slightly above the surrounding road network and extends to 0.32ha. The land to the north of the site falls steeply away to a neighbouring haulage yard. An access road to the yard runs along the east side of the application site, falling to the lower level to the north. The frontage of the site has a number of mature sycamore trees running along its length.
- 1.2 The surrounding area consists of industrial units to the east and extending south to the River Lune. To the immediate south are the Lansil Golf Course and Club House. Immediately to the west of the site is a small pay and display car park operated by the Canal and River Trust primarily for leisure use by members of the public wishing to use the adjacent Lancaster Canal. The Lancaster Canal sits at a significantly higher level than the application site with an aqueduct over Caton Road. Some 300m to the north is a further aqueduct over the River Lune. This structure is a Grade I Listed Building.
- 1.3 There are a number of residential properties to the east fronting Caton Road on its south side. A further business park is located closer to the M6 which also houses office units, a pub, restaurant, gymnasium and hotel. Caton Road provides an important link to the M6 at junction 34 from the city centre.



## **2.0 The Proposal**

- 2.1 The application site has a general east-west orientation and is rectangular in form. The site as a whole measures 90m along the Caton Road frontage and is approximately 35m deep. The area is relatively flat with a tree-lined frontage with a low stone wall and an existing site access at its western end.
- 2.2 The site seeks to utilise the existing entrance which is to be upgraded to enable two-way movement. The access would lead directly into a car parking area for 40 cars including 3 mobility/mother & child spaces and two customer waiting spaces. The main building and circulatory 'drive-thru' lie at the eastern end of the site. The 'drive-thru' lane provides a potential 19 car spaces within the circulatory road.
- 2.3 The main building is two storeys in height with an internal footprint of 520 sq.m and has an external seating/patio area to the front of the building. The 'drive-thru' runs around the outside of the building. The route splits into two lanes on the northern side to allow for orders to be given and converges to the rear of the building emerging as a single lane back into the main car parking area. Cycle parking (10 stands) is provided at the front of the building alongside the 'drive-thru' access.
- 2.4 The main building is designed in a contemporary form over two storeys with a flat roof. The building measures approximately 27m long x 12.5m wide rising to 7.3m to the roof which over sails the walls of the building by 1.5m all around. The building uses a simple palette of materials incorporating large glazed areas as well as cladding, vertical boarding and grey faced blocks. The glazing is to be dark grey aluminium framed, the cladding is walnut effect in large horizontal proportioned panel with area of grey block separating the glazed areas from the cladding.
- 2.5 The four elevations of the building differ in elevational treatment but all use the same palette of materials. The front entrance facing the car parking area and external seating has large glazed areas to both floors and vertical cladding. The 'drive-thru' elevation to the south introduces predominantly cladding and grey block as well as pay-and-collect windows at ground floor. The front entrance to the west is predominantly glazed with the rear elevation almost wholly clad in the walnut cladding. A similar clad refuse store (5m x 4m x 2.4m high) lies immediately to the east of the rear of the building.
- 2.6 Approximately 40% of the internal area is made over to customer dining area. The ground floor has a smaller area of dining space, the majority of the area being used for food preparation, storage and servicing the 'drive-thru'. Access to the upper floor is gained via an integral staircase or a customer lift. The upper floor contains plant and staff areas as well as accessible toilets.
- 2.7 The mature tree lined frontage to Caton Road is to remain along with the low stone boundary wall. In total, three trees are to be lost to improve the site access but the specimens also have health and safety issues and poor long-term health. The sycamores are to be crown-raised and lifted to increase visibility of the building. The soft landscaped areas are mainly turf with low shrubs. The hard landscaped areas vary depending upon the level of use anticipated. The main car park and footways are to be tarmac, the 'drive-thru' is to be printed concrete. The service route for pushed deliveries and refuse store is a brushed-concrete path. The main parking area for service vehicles utilises the car parking areas.
- 2.8 Site security plays an important role in the design of the building and external spaces. The building has been designed with large glazed areas to provide natural surveillance both into and out of the building, CCTV system are provided to monitor the external areas of the site linked to the manager's office and kitchen area. Lighting is provided around the car park and drive-thru areas to avoid dark areas and hiding places. Litter collection is to be addressed with a minimum of three daily litter patrols picking up general litter as well as company litter within the vicinity of the restaurant.
- 2.9 Off-site works are to be provided in a number of forms to improve the accessibility and sustainability of the restaurant. To ensure traffic flows are maintained along Caton Road the road is to be widened slightly on its northern side. This enables two wide lanes to be maintained along with a provision of a right turning lane. The turning lane will be formed by white lining and a new pedestrian island to aid pedestrian movements across Caton Road. To improve cycle linkage to the city centre an existing narrow footway running from the west of the site under the aqueduct to the entrance of Dennison

trailers is to be upgraded to a 3m-wide shared pedestrian/cycle route linking the application to the cycle network running alongside the canal north to the main Lune Cycleway.

### **3.0 Site History**

3.1 The site has a limited planning history with no planning applications for over 20 years. Land levels have been raised within the application site to develop a level plot which is distinctly separate from the haulage yard immediately to the north west of the site. These are longstanding.

### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<p>The original submission raised concerns. A comprehensive response from County Highways on 5 December now concludes that the impact of the proposal can be safely accommodated. This is on the proviso that all the identified measures, agreements with respect to highway improvement and related works are progressed and delivered, and that all planning conditions are satisfied when agreed. Suggested conditions include:</p> <ul style="list-style-type: none"> <li>• Scheme of off-site works including cycle linkage, road width improvements, right turn lane and pedestrian island on Caton Road.</li> <li>• Off-site works to be implemented prior to occupation.</li> <li>• Travel plan to be submitted, audited and updated.</li> <li>• Car Park Management and Delivery Plan/Strategy.</li> <li>• Construction and Routing Plan (including wheel washing and other environmental measures during construction).</li> <li>• Visibility Splays.</li> <li>• External lighting scheme to be agreed.</li> <li>• Gross floor areas not to be increased or parking areas reduced</li> </ul>
<b>Policy Section</b>	<p>The land has been allocated for employment purposes within both the adopted Lancaster District Local Plan and the emerging allocations found within the Draft Preferred Options Land Allocations DPD. This site has been an established employment area for a number of decades and there is no indication that the employment area is no longer viable and will lead to future de-allocation. Therefore a proposal for a restaurant and drive-thru is contrary to Adopted Local Plan Policy EC5 and Emerging Policy EMP1 of the Draft Preferred Options Land Allocations DPD.</p> <p>Whilst there is a clear conflict with adopted and emerging planning policy a number of non-employment generating uses are established within the area, particularly opposite on the Lancaster Business Park which contains a pub, restaurant, gym and hotel. Therefore it is recognised that a precedent has already been set in relation to leisure-type uses being established in employment areas along Caton Road.</p> <p>Furthermore it is noted that the creation of this restaurant will deliver 65 jobs to the local area, which will particularly target bringing young people into the workplace. Therefore, whilst not a formal 'B' type employment use it is clear there will be significant job growth associated with this proposal which should be taken into consideration when balancing against the loss of employment land.</p> <p>On balance, the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of allocated employment land and departure from planning policy.</p>
<b>Environmental Health</b>	<p>The site is close to railway siding and a silk/acetate works in addition the land has been subject to levels changes. The application should be supported by a Desk study. As one has not been provided objections are raised over the proposed development. The need for a contamination assessment and mitigation (if required) can be covered by planning condition.</p>

<b>Environment Agency</b>	No objections, the development to be undertaken in accordance with the submitted Flood Risk Assessment.
<b>Conservation Officer</b>	No objections to the proposal - The site is north of Lancaster city centre, on the main road out of the city. Near the site is one of Lancaster most significant heritage assets being grade I listed Lune Aqueduct. The surrounding area of the aqueduct has been developed with modern industrial sites. The proposed site is between an industrial site and a car park. The proposed develop is not considered to have an impact on the setting of the listed aqueduct.
<b>Tree Protection Officer</b>	<p>There are no protected trees within the site but protected trees lie outside to the NE. These are considered to be unaffected by the development.</p> <p>The trees are considered to have a long useful life but historic raising of soil levels could have a significant effect on the health of the trees. The construction phase of the development has the potential to impact upon the trees. The initial submission is supported by an Arboricultural Impact Assessment but concerns were raised over the relationship of the building to the root protection areas. Further work has been undertaken and a revised Arboricultural Impact Assessment provided.</p> <p>Subject to minor changes in the submitted details the Impact Assessment and Method Statements are considered to be satisfactory and should be implemented in full.</p>
<b>United Utilities</b>	Development should be drained on a separated system of drainage. Conditions required in respect of the design of the foul and surface water systems with the surface water system to be designed on sustainable principles.
<b>Lancaster Civic Society</b>	The development is considered to be a useful addition to Lancaster offer, conveniently located on a main arterial route and in principle support the application. Some concern raised over the potential impact of the proposal to crown raise the trees to the Caton Road frontage and potential for traffic conflict.
<b>Canal and River Trust</b>	Initially raised no comments in respect of the development. Further consultation including advice from their Heritage Advisor acknowledged the presence of Grade I Lune Aqueduct and the heritage asset of the Lancaster Canal. The Trust sought the provision of a heritage statement and supporting photomontages and cross sections. In the absence of such information an objection is raised to the proposed development.
<b>The Lancaster Canal Trust</b>	No objection in principle, comment over the possible effect of screening and works to the trees on Caton Road frontage, highway safety. Suggests s106 monies could be provided for interpretation information in respect of the neighbouring historic aqueduct, possible interpretation and information within the interior of the new building. Need for a quality design appropriate to its location close to the aqueduct.
<b>Fire Safety Officer</b>	Provide guidance in respect of the need and ability to comply with Building Regulations.

## **5.0 Neighbour Representations**

5.1 To date 13 letters have been received in respect of the proposed development, all raise objection to the development the main grounds for objection include: -

- Increase in traffic to the area on an already busy road
- Effects of the new link road need to be considered and this development is premature
- Inappropriate location
- Loss of employment site, contrary to local plan policy
- Impact on the Lune Aqueduct and Canal
- Effect upon the recently developed nature area alongside the site
- Potential impact on existing takeaway businesses on Caton Road
- Corporate development taking money out of the area.
- Late night opening hours
- Concerns over litter being deposited in the area
- Concern over management of the site, particularly late night
- The site is on a main access into the city, signage could be an issue

**6.0 Principal National and Development Plan Policies**

- 6.1 National Planning Policy Framework  
 Paragraphs 7, 14 and 17 (Sustainable Development and Core Principles)  
 Paragraphs 18-22 (Building a strong competitive economy).  
 Paragraphs 56 – 57 (Requiring Good Design)  
 Paragraphs 64 - (Requiring Good design)  
 Paragraphs 128-129, 131, 137 and 141 (Conserving and enhancing the historic environment)

Lancaster District Local Plan – saved policies  
 EC5 – Employment Area  
 T26 – Links to Cycle network

Lancaster Core Strategy – policies  
 SC1 (Sustainable development)  
 SC2 (Urban Concentration)  
 SC5 (Good Design)  
 E1 (Environmental Capital)

**6.2 Development Management DPD and Morecambe Area Action Plan DPD**

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight. The relevant Development Management DPD policies are:

DM1 – Town Centre Development  
 DM20 – Enhancing Accessibility and Transport linkages  
 DM21 – Walking and Cycling  
 DM32: The setting of Designated Heritage Assets  
 DM35: Key Design Principles (Gateway location)

**7.0 Comment and Analysis**

- 7.1 It is considered that the main issues relating to the development of the site are:

- Principle of development
- Highway and traffic matters
- Impact upon heritage assets

**7.2 Principle of Development**

- 7.2.1 The site is allocated as employment land (Caton Road) and as such development within this area should be limited to B1 (Business), B2 (General Industrial) and B8 (Storage and Warehouse) uses only. The proposal is considered to be a mixed A3/A5 (Restaurant and Hot-Food Takeaway) use. The submission has not provided justification that the employment area is no longer viable. Development as a restaurant will lead to future de-allocation of this site, and as such the development is contrary to the Development Plan.

- 7.2.2 In acknowledging that the proposal is a departure, the application has been supported by a sequential test to assess whether there are alternative, available and sequentially preferably-located sites within the town centres, then edge of centre sites, and then other out-of-town locations. The applicant already operates a restaurant in the pedestrianised City Centre and it is argued that this form of restaurant provides a different offer than a 'drive-thru'. As such the format of the 'drive-thru' is quite rigid and is a much less flexible format than a more traditional 'walk-in' restaurant. This has been recognised in appeal decisions which recognise the need to provide defined vehicle space and circulation areas around the main building.

- 7.2.3 Consequently, sites which are considered within a sequential test must be considered to see if they are suitable, viable and available. The minimum site size is considered to be 0.3ha, in terms of viability. Trading is assessed against catchment population as well as the ability to develop joint and linked trip (passing traffic). 'Drive-thru' operations generally require 20,000 passing traffic movements for a roadside location or have other attractors (e.g. location within a retail park).

- 7.2.4 The sequential examination has considered 7 areas, Lancaster City Centre, Carnforth Town Centre, Heysham, West End, Westgate, Torrisholme and Bare.
- 7.2.5 A location within Lancaster was ruled out by the applicant on the basis that it would compete with their existing store. In Carnforth, a vacant site exists adjacent to the existing supermarket, but this falls below the site area requirements (at only 0.08ha) and the passing traffic requirements (17,000 movements per day) and so this was dismissed as being unsuitable. Searches of local centres included Heysham, the West End, Westgate, Torrisholme and Bare are these were all eliminated due to the lack of available sites, limited number of daily traffic movements on the main roads and constraints of existing residential development.
- 7.2.6 The Sequential Test concluded that alternative sites were either not available, suitable or were unviable. The Caton Road site has good links to the city centre, high traffic movements and will appeal to nearby employees at the existing industrial estate. Assessment of the site predicts that between 70-90% of customers will already be on the road network leading to linked trips and reduced congestion further adding to the sustainability of the site.
- 7.2.7 In addition to the locational assessments of the sequential test, it is considered that there are a number of other factors which need to be considered against the policy position. The first of these relates to the characteristics of the site. The site is divorced from the remaining industrial areas to the north and east. It is relatively small in total area with limited depth and sits on a level plateau visually and physically separated from the haulage yards immediately to the north of the site. The site does not lend itself to large-scale development but could be used for a smaller, potentially intensive use. The site is also considered to have further constraints with the presence of a tree-lined frontage and a gateway location on one of the main access routes into the city. Any development would need to be of high quality and would seek to retain the boundary trees and walls. This further limits the developable area of the site and leads for the demand for a high quality construction raising the development costs of the site and limiting viability.
- 7.2.9 The issue of precedent - Whilst there is conflict with adopted and emerging planning policy a number of non-employment generating uses are established within the area, particularly opposite on the Lancaster Business Park which contains a pub, restaurant, gym and hotel. Therefore it is recognised that a precedent has already been set in relation to leisure-type uses being established in employment areas along Caton Road.
- 7.2.10 Employment Generation - it is noted that the creation of this restaurant will deliver 65 jobs to the local area (up to 20 people employed at any one time), which will particularly target bringing young people into the workplace. Therefore, whilst not a formal 'B' type employment use it is clear there will be significant job growth associated with this proposal which should be taken into consideration when balancing against the loss of employment land.
- 7.2.11 To conclude it is considered that upon balance given the site constraints, the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of allocated employment land and departure from planning policy.

### 7.3 Highways

- 7.3.1 Highway and traffic impact has been the subject of discussion and negotiation between the County Council as the Highway Authority and the agent's transport consultant. The original submission is supported by a suite of documents considering the impact of the development upon the operation of Caton Road both in its current form and following the opening of the new M6 link and the park and ride operation along Caton Road. The original submission raised some concerns and a need for additional information and clarification.
- 7.3.2 The additional information has been provided to the satisfaction of the highway authority which has raised no objection to the development subject to the undertaking of off-site highway improvements (outlined in more detail in Paragraph 2.9), the provision of a travel plan to be audited and updated, provision of a Car Park Management and Delivery Plan/Strategy and Construction Management and Routing Plan. The application is currently supported by a Framework Travel Plan but it is considered that this will need to be made site-specific following opening of the restaurant to enable specific staff surveys to be undertaken and an assessment of travel modes to be made. A site-specific travel plan

will be drawn up (within 6 months of opening) to help facilitate modal shifts where possible. The plans will be annually updated and assessed over the next 5 years of operation. To aid assessment of the audited plans by the County Council, a request for a contribution figure of £6000 has been made which will be provided by the developer and secured by way of a Section 106 Agreement with the City Council.

- 7.3.3 A Section 278 Agreement under the Highways Act will be required for the off-site highway works. This will be entered into directly with the applicant and the County Council as Highway Authority. Operation of the restaurant would not be able to commence until such time as the agreed works had been fully implemented. The requirement for the works and the timing of operation would be secured by condition.
- 7.3.4 Finally, the access design is not considered to highlight any operational concerns. Internally, the car park provides for sufficient car parking provision. A management plan is required for the car parking area to address parking, servicing, deliveries waste collection security, parking enforcing and prevention of misuse. The agreed plan will need to be implemented prior to the use of the car park and be aligned with the developing Travel Plan.
- 7.4 Impact on the Lune Aqueduct and other Heritage Assets
- 7.4.1 The site is located to the north east of the Lancaster Canal and west of the Grade I Lune aqueduct both of which are considered to be designated heritage assets. The canal towpath lies at a level of 21.6m above Ordnance Datum (AOD) and the application site has a finished floor level of 12m AOD, some 10m below the canal towpath. The closest point of the canal is 65m from the edge of the site and over 120m to the building. The intervening area comprises a large tree-lined embankment supporting the canal and a recently constructed car-parking area for use by canal visitors. Views of the site from the canal towpath are limited to a narrow viewpoint on the bridge over Caton Road. The geometry of the canal preventing views on approach from the west, level change and vegetation prevent views of the site on approach from the north.
- 7.4.2 Lancaster Aqueduct is a Grade I and II\* construction which spans the Lune Gorge. It is a spectacular construction when viewed from the banks of the Lune and the lower areas of land surrounding the aqueduct. The aqueduct is situated approximately 260m from the application site at a significantly different level with only a visible backdrop of large industrial buildings to the east and west where the extensive tree cover allows. Inter-visibility between the development site and the aqueduct is only gained on the bend of the canal over Caton Road. In this location the aqueduct is approximately 300m away and is perceived only as a stone balustrade. The nature of the aqueduct, its spanning of the Lune Gorge and its physical form are only appreciated much closer to the structure, further north along the canal than the application site.
- 7.4.3 Objections have been raised by a number of the consultees, including the Canal & Rivers Trust (following removal of their initial 'no objections' comment) who have said that the development will have a significant effect upon the setting of the Lune Aqueduct and to a lesser degree the Lancaster Canal as a heritage asset in its own right. These consultation comments have been given careful consideration with a detailed site inspection being undertaken by the Conservation Officer. The inspection included taking views along the canal, from the listed canal bridge on Halton Road and along the banks of the River Lune. The Conservation Officer concluded that the proposal is not considered to have an impact on the setting of the Grade I listed aqueduct.
- 7.4.4 A limited view of the western end of the site i.e. the car park, is gained from the bridge over the canal but this is restricted not only in position by the presence and retention of the trees along the site frontage and to a lesser degree by retained trees on the west boundary. Again, the development is not considered to have an undue impact on the designated heritage asset, the Lancaster Canal.
- 7.4.5 Comment has also been raised over the effect of the development upon the recently developed Lune Aqueduct Habitat Enhancement Scheme. This is an area of land at the base of the canal embankment bounded on its eastern side by large portal framed buildings. The improvements were developed in conjunction with a new car park alongside the canal on its eastern side and improvements to cycle linkage from the Lune Cycleway onto the canal on its western side. They include a footpath link at the northern end of the enhancement scheme. Overall improvements included the retention of trees along the western boundary and additional tree planting to create a visual buffer between the nature area and the industrial site, including the current application site.

The new building and car park could be partially visible, but it is not considered that development of the site will unduly impact upon the use of the nature area.

## 7.5 Other Matters

- 7.5.1 Trees – the scheme will result in the loss of three trees on the Caton Road frontage in part due to health but also to facilitate the widened site access. Works are also proposed to crown-raise the trees. In addition, where the soil levels have been raised above original levels it is proposed to lower the area within the root protection area to the original level to aid the longevity of the remaining trees. The Arboricultural Impact Assessment and Methodology is considered acceptable, subject to minor changes.
- 7.5.2 Contamination – The site lies close to railway sidings and a silk/acetate works in addition the land has been subject to levels changes (fill) in the relatively recent past. Concern has been raised by the Contaminated Land Officer that the application should be supported by a Phase 1 Desk study. The NPPF acknowledges that consideration must be given to assessing contamination but it is considered that given the nature of the development, assessment and remediation, if required, can be satisfactorily addressed by condition subject to approval of the principle of the development.
- 7.5.3 Residential Amenity – The site lies on the north side of Caton road surrounded by industrial uses to the immediately to the north and east. The industrial operation have no restrictions on the hours of operation and many operate 24 hours a day. Caton Road is one the main arterial roads to and from Lancaster with direct links to the M6 at junction 34. The road is used at all times of the day and night. A larger development of residential properties lie to the east of the site some 100m from the car parking area and site access and small number of dwellings are located directly opposite the site some 50m from the site entrance. The normal hours of operation for this development is 24 hours a day, 7 days a week and given the presence of the uncontrolled industrial development and main access road it is not considered reasonable to restrict the operational hours of the development.
- 7.5.4 Flood Risk – the site lies outside Flood Zone 2 and 3 but is immediately alongside areas which fall within the flood zones. In practice, the land contained within the application site lies significantly higher than the neighbouring land which is at the base of 3/4m high embankments. The drainage scheme has been designed to minimise the risk of flooding or affecting neighbouring land.
- 7.5.5 Drainage – the scheme is to be developed on a separated system, the foul water flows will be directly into the public sewer. The surface water strategy has investigated a soakaway system of drainage but given the site levels and the presence of embankments and lower level land uses this is not considered to be feasible. Instead the surface water will be connected to existing surface water drainage infrastructure in the area. The onsite drainage system will contain elements to minimise runoff and reduce the risk of flooding on site and to surrounding areas. Drainage will be designed to cater for a 1:100 year with 30% climate change rainfall. The discharge rate from the site will be controlled to greenfield runoff rates. This will be achieved using on-site attenuation storage.

## 8.0 Planning Obligations

- 8.1 County Highways have identified and agreed a need to provide a site specific Travel Plan following occupation of the development. This will enable specific staff travel modes to be understood and a site specific plan to be adopted to encourage modal shift to more sustainable transport measure. To aid assessment of the audited plans by the County Council, a request for a contribution figure of £6000 has been made which will be provided by the developer and secured by way of a S106 Agreement with the City Council.

## 9.0 Conclusions

- 9.1 In conclusion, given the specific elements relating to this site its is concluded that upon balance, the creation of new employment opportunities and the precedent for leisure uses in this area of Lancaster outweigh the loss of allocated employment land and departure from planning policy. It has been demonstrated that subject to the specific off-site highway works the development can be accommodation without significant impact on the highways network and with appropriate conditions, the development can be introduced without an undue impact upon the character and appearance of the area or designated heritage assets. As such the development should be supported.

### **Recommendation**

Subject to expiry of the site notice as a Departure with no further, new significant objections being raised, and subject to the imposition of the conditions listed below; that Planning Permission **BE GRANTED** with the determination being delegated to the Chief Officer to enable the following s106 agreement to be drafted, signed and endorsed.

- *The s106 legal agreement to provide for £6,000 to aid the assessment of the audited travel plans by the County Council.*

1. 3 year time limit
2. Development in accordance with the approved plans
3. Amended plans – highway works
4. Amended plans – site plan and landscape arrangements
5. Scheme of off-site works including cycle linkage, road width improvements, right turn lane and pedestrian island on Caton Road.
6. Off-site works to be implemented prior to occupation
7. Travel plan to be submitted, audited and updated
8. Car Park Management and Delivery Plan/Strategy
9. Construction and Routing Plan
10. Visibility Splays
11. Gross floor areas not to be increase or parking areas reduced
12. Redundant vehicle crossing to be reinstated at the developer's expense
13. Development to drained on a separated system
14. Foul and surface water drainage details to be provided
15. Development to be undertaken in accordance with the agreed strategy set out in the Flood risk Assessment
16. Development to be undertaken in accordance with the agreed Arboricultural Impact Assessment (including minor revisions).
17. Development to be undertaken in accordance with the agreed Arboricultural Method Statement (including minor revisions).
18. Trees to be retained other than agreed works
19. Landscaping details to be agreed
20. Hours of Construction
21. Contaminated land assessment to be agreed and mitigation (if required)
22. External material samples to be agreed
23. Details of litter collection (including route and area covered)

### **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

### **Human Rights Act**

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

### **Background Papers**

None



<b>Agenda Item</b> A9	<b>Committee Date</b> 5 January 2015	<b>Application Number</b> 14/01052/FUL
<b>Application Site</b> Land To The Rear Of Burr Tree Cottage Long Level Cowan Bridge Carnforth	<b>Proposal</b> Erection of 18 dwellings with associated access and parking	
<b>Name of Applicant</b> Mr Richard Morton	<b>Name of Agent</b> Mr James Ellis	
<b>Decision Target Date</b> 16 January 2015	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	Yes	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 The 0.54 hectare application site falls on the north east side of A65 close to the centre of Cowan Bridge. It comprises an agricultural field enclosed by a stone wall to the site's frontage, a disused railway embankment to the rear, Leck Beck to the north west and a further stone wall boundary to the south east (beyond which is the Fraser Hall). The field is undulating with a grass covering and benefits from a public right of way that runs across its north western edge to the top of the beck's bank. This edge also falls within Flood Zone 2, with a very small corner of the site within Flood Zone 3. The site falls within the District's Countryside Area. A Listed boundary stone is situated immediately outside the site on the grass verge to the A65, the Listed Cowan Bridge over Leck Beck is located adjacent to the site's western corner.

### **2.0 The Proposal**

- 2.1 The application seeks planning permission for the erection of 18 dwellings with a new access onto the A65. With the exception of the creation of the new access the stone wall to the site frontage will be retained with the removed stone being utilised as part of the boundary treatments to the rear gardens of 5 of the plots. The dwellings comprise five 2-bed houses, nine 3-bed houses and four 4-bed houses. 13 will benefit from garages, with the remaining 5 having 2 designated parking spaces. It is proposed that the houses are all open market houses (no affordable housing is proposed).

### **3.0 Site History**

- 3.1 There is no planning history related to this site that is relevant to this application.

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	No objection subject to conditions relating to the provision and protection of visibility

	splays; construction method statement to be agreed and complied with; and access arrangements and off site highway works to be agreed and implemented prior to occupation.
<b>Environment Agency</b>	No objection subject to conditions relating to compliance with the submitted Flood Risk Assessment, finished floor levels are set no lower than 300mm above existing ground levels, surface water run-off limited to 5 litres per second, and a soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse.
<b>United Utilities</b>	No objection subject to conditions relating to details for separate foul and surface water treatment, with restrictions to existing run-off rates.
<b>Environmental Health</b>	No objection subject to a condition relating to hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only).
<b>Contaminated Land Officer</b>	No objection subject to conditions relating to unexpected contamination, importation of soil, material and hardcore, prevention of new contamination, and bunding of tanks.
<b>Conservation Officer</b>	Concerns raised about the absence of a heritage statement and therefore the proposed design is uninformed by the heritage of the local environment. Conditions required regarding stone, mortar, slate, timber doors and windows, rainwater goods, ridge and eaves details.
<b>Burrow with Burrow Parish Council</b>	Supports the application though concerns about land drainage and possible risk of pollution with sewerage to Leck Beck, highway safety, the houses not being for local occupancy (potentially second homes/holiday lets), and no community benefits to school or village hall.
<b>Ireby with Leck Parish Council</b>	Concerns raised about the housing density, access, highway safety, discrepancies within the submission regarding proposed materials and local services, adequacy of the proposed treatment plant, and flood risks.

## **5.0 Neighbour Representations**

- 5.1 One piece of correspondence has been received citing the following concerns/queries:
- The boundary wall should be retained to the roadside with the exception of the access arrangements
  - Provision of public transport services is overstated in the application
  - Retention of the Public Right of Way throughout the construction period and thereafter
  - Sewage effluent being discharged into the Leck Beck
  - Potential for pollution from surface water discharge into the Leck Beck
  - Discrepancies within the submission regarding proposed materials
  - Light pollution

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles

Paragraph **49** - housing

Paragraphs **56, 58 and 60** - good design

Paragraphs **100** and **103** - flood risk

Paragraphs **129, 131, 132** and **135** - conservation

### **6.2 Core Strategy**

**SC1** – Sustainable development

**E1** – Environmental Capital

### **6.3 Development Management DPD and Morecambe Area Action Plan DPD**

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both

documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

**DM28** – Development and Landscape Impact

**DM32** and **33** – Development affecting heritage and non-designated heritage assets and their setting

**DM35** – Key design principles

**DM38** – Development and flood risk

**DM39** – Surface water run-off and sustainable drainage

**DM42** – Managing rural housing growth

## **7.0 Comment and Analysis**

7.1 The key considerations in determining this planning application are:

- The principle of residential development in this location
- Provision of affordable housing
- Design, layout and sustainable construction
- Impact on heritage assets
- Impact on landscape
- Access and parking
- Flooding and drainage
- Ecology and trees

### 7.2 The principle of residential development in this location

7.2.1 The Development Management DPD has not identified Cowan Bridge as one of the villages within the District where new housing is proposed. However, it benefits from a convenience store, a very limited bus services, a school in the next hamlet (1km away in Leck), a small employment area and a church. In other words, whilst it is a departure from the Development Plan the application does seek to provide new housing in a village that supports more services than some of the villages identified in the DM DPD policy DM42. It is on this basis that the proposal is acceptable in principle subject to satisfactorily meeting the requirements of other policies within the Development Plan.

### 7.3 Provision of affordable housing

7.3.1 When the application was initially submitted the applicant was seeking to provide no affordable housing based on their financial appraisal which accompanied the application. This appraisal was checked by the Local Planning Authority and was found wanting. The build costs were higher than those agreed on other residential developments (even taking into consideration the proposed materials) and the property values significant lower than comparable prices being achieved in the village. There were a number of other figures that were questioned. The application as submitted also stated that there was no housing required for workers of the Leck Estate, and the applicant advised that he would not accept a local occupancy condition when questioned by one of the local Parish Councils. Quite simply, the application failed to meet the Council's planning policy requirements in terms of affordable housing. Whilst it is recognised that the Council does not have a 5 year land supply of deliverable sites for housing, this is a greenfield site and a departure from the Development Plan, and therefore the applicant must offer 7 affordable houses on the site for the scheme to be acceptable in planning terms. This is discussed further in 8.1.

### 7.4 Design, layout and sustainable construction

7.4.1 The proposed layout of the housing scheme was carefully considered with the houses orientated to face onto public spaces – the A65, the public footpath and the proposed public open space. Unfortunately it appear that less work had gone into the design of the house types that did not reflect the local vernacular. Cowan Bridge is an attractive village with distinctive house styles. Whilst the materials of stone, slate and timber (doors and windows) had been identified, other key details had not. The application was not supported by a heritage statement. Whilst one was provided during the determination period, it should have been undertaken prior to designing the properties and its absence probably explains the lack of reference in the proposal to its local environment. This is explored more in Section 7.5.

7.4.2 Through negotiation with the applicant and his architect a number of design changes have been

achieved, including the removal of a gable, relocation of downpipes, changes to some of the porches, widening of the small window openings, provision of window surrounds, removal of glazing bars from the casement windows and removal of a gable fronted property. These changes have made a significant difference to the scheme. The exception is that many of the porches still include a toilet and therefore have an off-centre door and a small window within its façade. To accommodate these openings, the porch is also overly wide, especially in proportion to the width of the property to which they serve. The architect has investigated whether the toilets could be relocated under the stairs within the ground floor layout, but there is insufficient headroom to do so. As such it is the applicant's preference to be retain the toilet in the porch. As the front doors of the traditional dwellings in the village are either recessed into the façade or set into a narrow porch with a dual pitched roof, it would have been preferable to replicate this feature within this new development. However, when considering such details, it is a case of whether form and function can coexist or whether one outweighs the other. On balance, a relatively sensitive porch arrangement has been agreed for each house type and whilst these do not reflect the local style, they are not sufficiently out of character to warrant a reason for refusal on design grounds.

## 7.5 Impact on heritage assets

7.5.1 Whilst Cowan Bridge is not a Conservation Area, the proposed site is adjacent to and opposite a number of designated and non-designated heritage assets. In particular, it impacts upon the setting of the Listed Cowan Bridge and boundary stone adjacent to the field boundary wall, and it could also be argued (though to a lesser degree) the setting of the Listed Bronte Cottages. The Conservation Officer is reassured that the field stone boundary wall is being retained, and that natural stone, natural slate, and painted timber doors and windows, and pointed verges are proposed. However, the Officer raised concerns about the absence of a heritage statement which explained why the proposed design was uninformed by the heritage of the local environment.

## 7.6 Impact on landscape

7.6.1 Most of the land to the north east of the A65 is earmarked as a potential extension to the Yorkshire Dales National Park. A decision is anticipated at any time. However, this particular site is excluded from the proposed designation given it is slightly divorced from the wider landscape by Leck Beck, the railway embankment and existing development. That said, the site still falls within the District's Countryside Area, is within an attractive historic (non-designated) environment and will form some of the context to the boundary of the national park should it be expanded in the manner proposed. Therefore the scale and form of the development is important, including boundary treatments, elevation and roof details, and materials. Cowan Bridge has a mix of painted stone and bare stone elevations with slate roof dominating. The proposed scheme was for 18 stone built properties, but this was felt to be out of keeping with the local area insofar as the presence of stone is broken up with white painted properties. It is deemed appropriate to add some contrast and therefore the applicant is now proposing 4 rendered properties within the development.

## 7.7 Access and parking

7.7.1 County Highways has assessed the application and deemed the proposal acceptable from a highway safety and efficiency perspective. Access can be taken from the A65 and adequate visibility splays achieved. The Highway Authority is seeking a number of off-site highway works to make the development acceptable, including provision of a footpath within the existing verge along the site's frontage, 2 new/relocated refuge islands, new street lighting, new gateway treatments to the village to reduce vehicle speeds and upgrades of the kerbs at the bus stops. All of these requirements can be addressed by way of conditions.

7.7.2 Parking is adequately provided for within the scheme. The properties benefit from parking bays or driveways with garages. The level of provision is deemed acceptable for the size of properties and the village's location and limited public transport options (restricted bus service).

## 7.8 Flooding and drainage

7.8.1 The north western edge of the site is within Flood Zones 2 with a very small section (the public right of way) within Flood Zone 3. United Utilities and Environment Agency have been very helpful in providing the applicant and the Local Planning Authority advice which has been checked over by the City Council's drainage engineer. The foul will be dealt with by way of a new water treatment plant,

to be installed close to the beck. The surface water will be controlled by a system that include a hydrobrake that restricts the flow of water off the site. The applicant's Flood Risk Assessment also requires the properties' finished floor levels to be 300mm over existing ground levels, though the Environment Agency has confirmed that this is only required for properties in Flood Zone 2. If the drainage schemes are not adopted by United Utilities they will require a maintenance and management scheme for their lifetimes.

## 7.9 Ecology and landscaping

7.9.1 The site comprises poor semi-improved grassland. It supports very little wildlife as it is regularly grazed, or grown and cut for silage. The railway embankment that faces the site has a covering of hawthorn and bramble, which supports nesting birds and the tree-lined Leck Beck is a foraging route for bats. The trees must be retained and protected during construction (including their roots and branches which may encroach into the site) to protect this habitat and where possible enhanced by additional native tree planting. The embankment and the beck fall outside the application site, but light spillage will not respect arbitrary boundaries, so will need to be controlled by condition. Tree works and protection measures, along with additional planting will all need securing by planning condition too.

7.9.2 The site layout proposes an area of public open space. During pre-application discussions with the Parish Council, the applicant was made aware of their desire for a children's play area as the village currently does not have that facility. The Public Realm Officer suggested at that time that amenity space was required, maybe with the inclusion of some natural play and play equipment. The plans simply show an area of grassed space situated in the southern corner of the site with some tree planting to two of its edges. The space benefits from natural surveillance from the adjacent proposed properties whilst being close to the existing dwellings. This will hopefully give the space a sense of joint ownership and not merely considered to be for the use of the new properties only. The drawback is its siting next to the A65, which will restrict how the space can be used, but equally the inclusion of some forms of equipment may adversely impact on the amenity (overlooking) of the adjacent property. The proposal is therefore generally acceptable, though specific details will be required as part of the site's landscaping scheme and its ongoing maintenance will need to be secured by way of a private management company via a legal agreement.

## 8.0 Planning Obligations

8.1 The application seeks to erect 18 dwellings on a greenfield site in an area of the District where house prices are high. There are some additional development costs associated with this scheme, but nothing abnormal, such as contamination, demolition/site clearance, major access arrangements and the like. In line with the Council's planning policy this site should deliver 40% affordable housing on site. The applicant sought to provide no affordable housing as part of their initial submission. However, the Council has looked carefully through the applicant's financial appraisal and identified a number of figures that are either too high (build costs) or too low (house prices). Changes to these figures dramatically change the scheme's viability. The Council is aware of 2, 3 and 4 bed properties selling in Cowan Bridge both before the recession (2007/08) and since (2012/13) for c£230,000, c£250-300,000 and c£385,000 respectively. Even assuming the 2, 3 and 4 bed properties were sold for £200,000, 250,000 and 300,000 respectively, this would give an average price of c£247,000. Accordingly to the applicant's appraisal the average price would be c£177,000 – a £70,000 difference per property, or c£1.25million across the site. Whilst there is no precise comparable sales data (as the current housing stock is predominantly made up of period properties, which could be argued to command a premium) it can equally be contended that modern, energy efficient homes are less costly to run (lower energy costs and less maintenance). Therefore whilst new properties lack the period features of older housing stock, this is balanced against lower running costs.

The main build costs quoted in the applicant's appraisal were also a lot higher than the Council has agreed on other sites. The applicant has also added further costs for the build, so it cannot be argued that the main build costs account for matters such as the additional costs of natural materials, as this is accounted for elsewhere in the appraisal. The Council has asked the applicant to provide more realistic costs, which will be reduced further when the changes agreed to the scheme during the determination period are also taken into consideration. Whilst this is outstanding at the time of writing, from the above analysis alone it is clear to the Council that this site can easily accommodate 40% affordable housing on site.

The application is only acceptable if the applicant offers 40% provision of affordable housing on site. As this equates to 7.2 units, it would actually be 39%. Of the 7 units, 4 should be offered for social rent and the remaining 3 for intermediate housing.

### **9.0 Conclusions**

9.1 The initial scheme submitted lacked sufficient details. However, during the determination period various amendments, clarifications and additional information has been submitted by the applicant in response to the Council's concerns. These included issues of drainage, design, materials and heritage. The only outstanding item is affordable housing as set out in 8.1. Whilst it is recognised that the Council does not have a 5 year land supply of deliverable sites for housing, this is a greenfield site and a departure from the Development Plan, and therefore the applicant must offer 7 affordable houses on the site for the scheme to be acceptable in planning terms.

### **Recommendation**

Subject to the applicant offering 39% affordable housing provision on site (4 social rented and 3 intermediate housing), that Planning Permission **BE GRANTED** subject to the signing and completing of a legal agreement to include:

- 40% affordable housing provision (4 social rented and 3 intermediate housing)
- Management company for the open space

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list of plans
3. Samples to be provided –
  - natural random rubble stone
  - mortar
  - render
  - natural slate
  - ridge tiles
  - natural stone window and door surrounds
  - timber window, doors and garage doors (including finishes and colours)
4. Details to be agreed –
  - boundary treatments
  - rainwater goods
  - timber fascias (including finishes and colours)
5. Access arrangements
6. Visibility splays – provision and retention
7. Off site highway works – provision of a footpath within the existing verge along the site's frontage, new/relocated refuge island, new street lighting, new gateway treatments to the village to reduce vehicle speeds and upgrades of the kerbs at the bus stops
8. Construction method statement
9. Separate drainage system
10. Development in accordance with Flood Risk Assessment including finished floor levels are set no lower than 300mm above existing ground levels within Flood Zone 2 and 150mm elsewhere and outfall rates of 4.4 l/s for 1:30 years and 5.9 l/s for 1:100 years plus critical storm
11. Surface Water Drainage Scheme – as per the drainage plan
12. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)
13. Unforeseen contamination
14. Importation of soil, material and hardcore
15. Prevention of new contamination
16. Bunding of tanks
17. Landscaping scheme and maintenance, including the provision of the public open space
18. No trees to be removed, cut down, lopped or crowned
19. Tree protection plan
20. External lighting

**Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

**Human Rights Act**

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

**Background Papers**

None

<p>Agenda Item A10</p>	<p>Committee Date 5 January 2015</p>	<p>Application Number 14/01117/FUL</p>
<p><b>Application Site</b> Middleton Clean Energy Plant Middleton Road Middleton Lancashire</p>	<p><b>Proposal</b> Erection of a 47.5mw gas fired power station and associated works</p>	
<p><b>Name of Applicant</b> Mr David Evans</p>	<p><b>Name of Agent</b> -</p>	
<p><b>Decision Target Date</b> 20 January 2015</p>	<p><b>Reason For Delay</b> N/A</p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Dobson</p>	
<p><b>Departure</b></p>	<p>Yes</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval (subject to a referral back to Chief Officer to allow notice to be served on Natural England)</p>	

**(i) Procedural Note**

This application was presented to Planning Committee on 8 December 2014. Members resolved to delegate the application back to the Chief Officer (Regeneration and Planning) to determine unless there were outstanding items, or in the event that the Chief Officer was seeking to approve the application against a consultee's sustained objection, in which case the application was to be reported back to the January 2015 Planning Committee. At the time of writing, there are still outstanding items, so the application is being reported back to Planning Committee as per last month's resolution. The applicant's consultants are liaising with the consultees to resolve the outstanding items, and the case officer is optimistic that there will be a positive update available for January's Committee, which will be verbally provided at the meeting.

**1.0 The Site and its Surroundings**

- 1.1 This full application relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. The site area is 0.476 hectares and comprises of mainly rough ground covered by inert tipped material upon which some natural regenerated vegetation occurs in parts.
- 1.2 Part of the site comprises existing hard surfaces forming an original portion of the road network within the refinery site.
- 1.3 The site abuts existing industrial sites which front Middleton Road and there is potential linkage through that land by an existing access road on the other side of the boundary. Although the land forms part of the wider Middleton Wood site which is in the City Council's ownership, it has until relatively recently continued to be used for the reclamation of inert construction material and hence has not regenerated into natural habitat in the same way that the wider site area has.
- 1.4 The site and its surroundings are subject to a number of designations, including Hazardous Substance Installations designations (Tradebe Solvent Recovery); a Radon Protected Area; a Minerals Safeguarding Area and is an area identified as being susceptible to groundwater flooding.



Heysham industrial Estate, a waste site allocation, lies further to the south. The wider site includes a Biological Heritage Site designation.

**2.0 The Proposal**

- 2.1 The development consists of a 14m high, 1300sq.m industrial building which is to be used as a power hall housing five reciprocating gas engines. Fuel will be supplied from an existing underground natural gas pipeline. Emissions from the engines will be vented from a 25m high flue stack.
- 2.2 The proposal is in effect a small gas powered powers station designed to provide on demand additional capacity at tomes when wind power is delivering less and demand is high. It is generally constructed off site and assembled on the land once consent is granted.
- 2.3 Approximately 18 permanent staff in combinations of shift workers would be employed by the site. Vehicular access to the site both during and after construction would be over the existing estate roads.

**3.0 Site History**

3.1 The following application is relevant:

Application Number	Proposal	Decision
95/01352/DPA	Change of use from derelict Shell/ICI works to Middleton Community Wood	Granted 1/4/1996

**4.0 Consultation Responses**

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

Consultee	Response
<b>Natural England</b>	<p>The requirements of Regulations 61 and 62 of the Habitats Regulations do not appear to have been considered by Lancaster City Council (i.e. there is no Habitats Regulations Assessment). Further information should be provided on the likelihood of significant effects from the proposal upon the designated (European) sites to allow the Council to undertake their Habitats Regulations Assessment. This further information includes comprehensive details on air quality, drainage, water, protected species, Special Protected Area birdlife, the Lune Estuary and Heysham Marsh Site of Special Scientific Interest; and the Morecambe Bar Special Area of Conservation, Special Protected Area and Ramsar designated Morecambe Bay.</p> <p><i>Note: If the Council is minded to grant consent it must first provide notice to Natural England to include a statement of how the Council has taken account of Natural England's advice (and shall not grant a permission before a period of 21 days beginning with the date of that notice) – under Section 28(1) (6) of the Wildlife and Countryside Act 1991 (as amended).</i></p>
<b>Lancashire Wildlife Trust</b>	<p>Comments – Appropriate measures required (prior to approval) for minimise impacts on great crested newts which are likely to use the site for foraging, dispersal and hibernation. Little Ringed Plover (protected species) recorded at the site in 2014 and passerine species on adjacent land. Mitigation required to minimise impacts on breeding birds. Other measures required to ensure no wildlife habitat damaged during construction or operation; measures to mitigate against lighting, dust or noise (especially for bats). Protected plants and butterflies are supported by the habitats – ecological enhancement of the site post-construction should compensate for loss of this habitat type. Changes to existing drainage may cause hydrological impacts – measures potentially required to address this. LWT member access should be maintained; a method statement for the electricity cable easement is required; all loading/storage to be contained within red edge and measures for leaching from spoil, other pollutants, compaction of ground, damage to vegetation put in place; measures</p>

	to avoid spread of Japanese Knotweed which is present in the vicinity of the development site.
<b>County Highways</b>	<b>No objection</b> subject to a Construction Traffic Management Statement condition.
<b>Environment Agency</b>	<b>No objection</b> subject to conditions relating to land contamination (if below ground works are proposed) and surface water drainage
<b>United Utilities</b>	<b>No objection</b> subject to no building within 3m of the public sewer. Site should be drained on a separate system (foul draining to public sewer; surface water draining sustainably).
<b>Property Services</b>	<b>No objection.</b> Supports the principle of development but considered the original layout to be “rushed and ill-considered”. The development has subsequently been relocated nearer the boundary of the Biological Heritage Site to the east to keep the roadway clear in a north-south direction in line with Property Services’ suggestion.
<b>Environmental Health</b>	<b>Objection</b> on the grounds of an insufficient noise assessment, the air quality assessment not considering the impact on nature conservation sites, and the lack of a desk top contamination report.
<b>Middleton Parish Council</b>	<b>No comments received</b> at the time of compiling this report. Any comments will be verbally reported.
<b>Health and Safety Executive</b>	<b>No comments received</b> at the time of compiling this report. Any comments will be verbally reported.

## **5.0 Neighbour Representations**

- 5.1 3 representations have been received. Two of these representations express support for the proposal which will make a tangible contribution of clean gas-powered electricity, with a small developable footprint on a brownfield site, with a good design and no significant visual impacts.

The 2<sup>nd</sup> representation concerns access issues. The site to the north (Tradebe Solvent Recycling) is a designated Control of Major Accident Hazards (COMAH) site. The primary access for emergency service vehicles is via Middleton Lane, yet the prevailing wind direction means that this route is unsafe. Secondary and tertiary routes off Main Avenue are unavailable due to flytipping and the presence of protected species. Recently the City Council, County Council, Police, Fire & Rescue Service, NW Ambulance Service and Tradebe amongst others have been trying to resolve these issues and reinstate the secondary access route across land being proposed for the current application. Given that the application only provides basic information, it is unclear if the access road will accommodate a fire appliance and reassurances regarding this are sought.

## **6.0 Principal National and Development Plan Policies**

- 6.1 National Policy Statements  
Energy Infrastructure (EN-1)  
Fossil Fuel Electricity Generating Infrastructure (EN-2)

### National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles  
Paragraphs **93 96** and **98** – meeting the challenge of climate change  
Paragraphs **109** and **118** – biodiversity  
Paragraph **120** and **121** – contamination  
Paragraph **122 / 124** – emissions / air quality  
Paragraph **123** – noise

### Lancaster District Core Strategy (2008)

**SC1** Sustainable development  
**ER2** Regeneration priority areas  
**ER3** Employment land  
**ER7** Renewable energy

6.2 Development Management DPD and Morecambe Area Action Plan DPD

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

**DM15** Proposals involving employment land and premises

**DM17** Renewable energy generation

**DM18** Wind turbine development

**DM25** Green Infrastructure

**DM27** The protection and enhancement of biodiversity

**DM35** Key design principles

**DM37** Air quality management and pollution

**DM40** Protection of water resources and infrastructure

**7.0** Comment and Analysis

7.1 The material considerations in this case are:

- a) Whether a departure from the Development Plan is justified
- b) Whether the proposal would have an adverse impact on the Biological Heritage Site or other ecological interests including the wider Morecambe Bay SSSI.
- c) Whether there would be wider impacts on the locality in terms of noise, air quality, and traffic movements.
- d) Whether the development would undermine safety considerations in relation to any of the nearby Hazardous Installations.
- e) Whether the development would lead to the disturbance of hazardous substances remaining on the site from the earlier period of remediation.

7.2 Departure from the Development Plan

7.2.1 Although there is a technical departure from the Development Plan, this relates to the land allocations in the former Lancaster District Local Plan which expected the whole of the Middleton Wood area to become a community woodland over time. In reality this was unlikely to occur as the extent of restoration enabling public access was much less than originally envisaged. In the consultation draft of the emerging Local Plan this part of Middleton Wood is proposed to be allocated for employment development. The area of the proposed employment allocation which would be taken up by the power station would be relatively small leaving the opportunity for more commercial development on the site in the future.

7.2.2 In overall strategy terms the District plays an important role as part of Britain's Energy Coast facilitating a number of growth projects aimed at improving the nation's self-sufficiency in energy production. This part of the District is identified in the emerging Local Plan as Heysham Gateway. An area where opportunities will be developed to enhance economic activity associated with the energy industry and the strategic importance of the Port of Heysham. The proposal is entirely in accordance with those objectives. A full set of analysis of the impact of the development on the locality has been undertaken. They appear to demonstrate that there are no overriding impacts which are unacceptable.

7.3 Impact on the Biological Heritage Site

7.3.1 Although the wider portion of Middleton Wood has not been created into a community woodland with extensive public access, the bulk of it (outside the proposed employment portion) is a Biological Heritage Site and is naturally regenerating. There is a cost attached to maintaining this habitat which falls on the Council, and it currently contracts the Lancashire Wildlife Trust to assist with the management of the land.

7.3.2 One of the key objectives of introducing an employment allocation on that part of the site not within the Biological Heritage Site was to help generate income to continue the maintenance of the site to

the standard which has been achievable in the past. To this end a Section 106 agreement will be required to secure a contribution to mitigate the impact of the development by helping the further management and restoration of the remainder of the site.

7.3.3 The original siting of the proposal was such that it sat astride the route of one of the former refinery estate roads which runs across the site, and through the small industrial complex to the north linking ultimately to Middleton Road. This could have adversely impacted on emergency means of escape from the development to the north and could have influenced how the rest of the Council's land is released for development. The revised plans address this concern, though the development sits closer to the designated Biological Heritage Site, but the Wildlife Trust confirm that they have no objection to this amendment.

#### 7.4 Wider impacts on the locality

7.4.1 It can be seen from the report that at the time of writing there are still outstanding items that need resolving, namely contamination, noise and air quality. These issues need to be fully addressed so that the Council can undertake a Habitats Regulation Assessment to satisfy Natural England that they have fully considered the impacts of the development on protected species and European designated sites (Special Area of Conservation, Special Protection Area and RAMSAR site). The accompanying supporting documentation submitted with the application suggests that there will be no impact on these designated sites as the prevailing winds will blow emissions from the proposal away from the bay and estuary. Whilst this statement is true, wind directions are variable, and therefore the Local Planning Authority must be satisfied that the development can adequately control emissions to ensure that there is no detrimental impact on the bay and Lune estuary regardless of wind directions.

7.4.2 County Highways confirms that they have no objection to the scheme, subject to a Construction Traffic Management Statement being agreed (post determination) and fully implemented.

#### 7.5 Protected Species

7.5.1 The application has been submitted with a Phase 1 habitat and protected species walkover survey, which has utilised survey work previously undertaken in October to December 2012 and March 2013. The key findings are the presence of Great Crested Newts in nearby ponds that may utilise the site outside of hibernating season, the use of the site's shrub for ground nesting birds and foraging bats, and limited use of the site by birds that winter at the nearby estuary and bay. Two forms of invasive species were also identified that will need to be responsibly managed. The site's shrub has little biodiversity interest as a plant species, but does provide some habitat for ground nesting birds. Works, such as site clearance, will need to comply with a Construction Environmental Management Plan that will need to be submitted and agreed prior to works commencing. Compensatory planting will also be needed to ensure that there is no net loss of biodiversity interest in respect of birds. This also applies to the wintering birds that to a lesser degree utilise the site. The impact on them is more likely to occur if the designated bay and estuary are adversely affected by the proposal, which is described in 7.4. Likewise before any works commence, fencing will need to be erected to ensure the development site (including the pipe and cable trenches) does not adversely impact on Great Crested Newts. Mitigation measures are set out in greater detail in the aforementioned survey, which also suggests the implementation of a compensatory pond. The impact on bats can be significantly reduced by controlling light emissions. Conditions are therefore required for external lighting, a Construction Environmental Management Plan, Great Crested Newt mitigation and compensation, compensatory planting and invasive species management.

### **8.0 Planning Obligations**

8.1 A Section 106 Agreement will be required to secure a financial contribution for the continuing maintenance and improvement of the Middleton Wood BHS. This sum is currently being negotiated.

### **9.0 Conclusions**

9.1 At the last Committee it was reported that there was a need to try to determine this application before the close of 2014 to enable the applicants to have certainty to bid for a license from the Government to undertake the development. This deadline has expired, but the applicant wishes to be in a position whereby they have the benefit of a consented scheme when they enter the 2015 bid

process in April. If the outstanding items address consultees' concerns, it is recommended that the application is approved. The Council would then need to refer the decision to Natural England.

### **Recommendation**

Subject to the outstanding items being adequately addressed to the consultees' satisfaction, that planning permission **BE GRANTED** (with subsequent referral of the decision to Natural England) subject to a legal agreement to secure:

- Financial contribution towards the continuing maintenance and improvement of the Middleton Wood BHS

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list
3. Notwithstanding plans, all materials (including finishes and colours) to be agreed
4. Notwithstanding plans, all boundary and surface treatments (including finishes and colours) to be agreed
5. Access, parking and turning facilities – loading/unloading within the on-site facilities provided only
6. Construction Traffic Management Statement
7. Separate drainage system
8. Surface water drainage system
9. Hours of construction
10. Method statement for the electricity cable easement
11. Construction Method Statement including dust control and barrier fencing to protect surrounding habitat
12. Japanese Knotweed and Montbretia management scheme
13. Dust control
14. External lighting details
15. No external storage
16. No building or planting of deep rooted shrubs/trees within 3m of the public sewer
17. Landscaping scheme
18. Contaminated land condition
19. Ecological mitigation and compensatory measures
20. Construction Environmental Management Plan
21. Any other conditions required by consultees as a result of their assessment of the outstanding information

### **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

### **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
13/00805/VLA	Pontins Holiday Camp, Carr Lane, Middleton Variation of legal agreement on 00/00156/OUT to remove obligations relating to affordable dwellings and age restriction occupancy on the site only and to remove the restrictions on the on-site leisure facilities to allow use by the wider public for Moorfields Corporate Recovery LLP (Overton Ward)	Application Permitted
13/01183/CU	Land Adjacent No 8, The Croft, Caton Change of use of redundant barn to a one-bed dwelling (C3) with a single storey extension for Mr I Bolton (Lower Lune Valley Ward)	Application Permitted
14/00094/DIS	St Georges Quay Development Site, St Georges Quay, Lancaster Discharge of conditions 17, 23c, 23d, 23e and 25 on approved application 12/00169/FUL for Mr John Wright (Dukes Ward)	Request Completed
14/00097/DIS	Cinderbarrow Farm, Cinderbarrow Lane, Yealand Redmayne Discharge of condition 4 on approved application 14/00148/FUL for Mr Richard Clarke (Silverdale Ward)	Initial Response Sent
14/00108/DIS	Greaves Hotel, Greaves Road, Lancaster Discharge of conditions 7, 8, 9, 11, 12, 13 and 16 on approved application 12/00632/FUL for YourLife Management Services Ltd And Mitchells Of Lancaster (Scotforth West Ward)	Initial Response Sent
14/00113/DIS	Melling Institute, Melling Road, Melling Discharge of conditions 4 and 5 on approved application 13/00362/FUL for The Trustees Of Melling Village Institute (Upper Lune Valley Ward)	Request Completed
14/00123/DIS	Land To The Rear Of 50-62 Church Street, Damside Street, Lancaster Discharge of Conditions 10, 11, 12, 13, 14, 15 and 16 on approved application 12/01159/FUL for Mr Andrew Stanyon (Dukes Ward)	Initial Response Sent
14/00124/DIS	Land To The Rear Of 50-62 Church Street, Damside Street, Lancaster Discharge of Conditions 8, 9, 17 and 18 on approved application 12/01159/FUL for Mr Andrew Stanyon (Dukes Ward)	Request Completed
14/00125/DIS	Greaves Hotel, Greaves Road, Lancaster Discharge of conditions 4, 5 and 10 on approved application 12/00632/FUL for McCarthy And Stone (Scotforth West Ward)	Initial Response Sent
14/00135/DIS	Battery Hotel, Sandylands Promenade, Heysham Discharge of condition 4 on approved application 14/00106/CU for Mr Ian Bond (Heysham North Ward)	Request Completed

## LIST OF DELEGATED PLANNING DECISIONS

14/00139/DIS	Galgate Cricket Club Pavilion, Main Road, Galgate Discharge of condition 2 relating to scheme for renewable energy on previously approved application 11/00238/VCN for Mrs Kath Coleman ( Ward)	Request Completed
14/00141/CU	7/7A Poulton Road, Morecambe, Lancashire Change of use of shop (A1) and flat and part demolition of rear store create a to a single residential dwelling (C3) and alterations to front elevation for Mr L. Baxter (Poulton Ward)	Application Permitted
14/00142/DIS	15 Church Brow, Halton, Lancaster Discharge of conditions 2, 3, 4, 8, 9, 10, 11 and 12 on application 13/00235/CU for Mr & Mrs R. Lund (Halton With Aughton Ward)	Initial Response Sent
14/00144/DIS	Bankfield House, Whitebeck Lane, Priest Hutton Discharge of condition 3 on previously approved application 14/00405/FUL for Chris Heginbotham (Kellet Ward)	Application Permitted
14/00145/DIS	Bankfield House, Whitebeck Lane, Priest Hutton Discharge of condition 3 on previously approved application 14/00406/LB for Mr Chris Heginbotham (Kellet Ward)	Application Permitted
14/00146/DIS	Glenvale, 53 Main Street, Cockerham Discharge of conditions 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 on approved application 14/00086/FUL for Mr Chris Guinan (Ellel Ward)	Initial Response Sent
14/00148/DIS	Gressingham Hall, Fall Kirk, Gressingham Discharge of conditions 4 and 6 on approved application 14/00669/FUL for Ms Jane Paxman (Upper Lune Valley Ward)	Application Permitted
14/00152/DIS	Willow Cottage, Main Street, Arkholme Discharge of condition 3 on approved application 13/01207/FUL for Mr Richard Clark (Kellet Ward)	Initial Response Sent
14/00160/DIS	Lancaster Leisure Park Ltd, Wyresdale Road, Lancaster Discharge of conditions 3, 5, 7, 8, 11, 12, 13, 14, 18 and 24 on approved application 12/01109/FUL for Mr James Carman (John O'Gaunt Ward)	Initial Response Sent
14/00177/DIS	4 Broadacre View, Caton, Lancaster Discharge of condition 1 on approved application 14/00981/FUL for Mr Michael Smith (Lower Lune Valley Ward)	Request Completed
14/00459/OUT	Land To The Rear, 71 Hornby Road, Caton Outline application for the erection of a detached residential dwelling for Mr J Meadowcroft (Lower Lune Valley Ward)	Application Permitted
14/00500/CU	Court View House, Aalborg Place, Lancaster Change of use of offices (B1) into one 1-bedroom and two 2-bedroom flats (C3) for Mr Usman Munshi (Dukes Ward)	Application Permitted
14/00537/VCN	Toll Bar Garage, 168 Scotforth Road, Lancaster Change of use of car showroom to form extension to shop with snack seating area, alterations to shop front, ATM machine, disabled jet wash with screen fence & lighting, car wash wall, car vac, tyre inflator and 14 car parking spaces (pursuant to the variation of condition 6 on planning permission 03/01467/CU to allow opening hours to be extended from 6.00am to 11.00pm) for Mr I. Munshi (Scotforth West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/00625/FUL	48 Albert Road, Morecambe, Lancashire Installation of a new shop front including replacement shutters for Anne Williamson (Harbour Ward)	Application Permitted
14/00666/ADV	John Wilding Car Dealership, 1 Middlegate, White Lund Estate Advertisement application for the display of 4 internally illuminated fascia signs, 3 non illuminated flagpoles and 1 non illuminated entrance marker for Citroen UK (Westgate Ward)	Application Permitted
14/00729/CU	Ridgeway Park, Lindeth Road, Silverdale Change of use of residential school (use class C2) to one residential dwelling and two holiday-let dwellings (use class C3) for Mr & Mrs A Stubbs (Silverdale Ward)	Application Permitted
14/00730/CU	Ridgeway Park, Lindeth Road, Silverdale Change of use of ancillary educational building (use class C2) into residential dwelling (use class C3) for Mr & Mrs A. Stubbs (Silverdale Ward)	Application Permitted
14/00862/FUL	14 Heysham Park, Heysham, Morecambe Part retrospective application for the erection of a raised decking area and pergola to the rear for Mr & Mrs M. Livingstone (Heysham South Ward)	Application Permitted
14/00884/FUL	Lancaster Cricket And Sports Club, Lune Road, Lancaster Raising of existing tennis court fence by 60cm on South and West elevations for Lancaster Cricket And Sports Club (Castle Ward)	Application Permitted
14/00897/FUL	Tatham Hall, Wennington Road, Tatham Demolition of existing farmhouse and erection of a replacement 2 storey dwelling, detached garage and associated landscaping for Mr Anthony Moores (Lower Lune Valley Ward)	Application Permitted
14/00923/FUL	Fleece Inn, Abbeystead Lane, Dolphinhholme Erection of a two-storey rear extension to form hotel reception, ladies WC, biomass boiler room, shop store and additional bedrooms and the remodelling of the existing ground floor to create shop and repositioning of gents WC together with associated landscaping works to the rear garden including erection of a garden folly for Mr Marcus Worthington (Ellel Ward)	Application Permitted
14/00924/LB	Fleece Inn, Abbeystead Lane, Dolphinhholme Listed building application for the demolition of single storey extensions to the rear and the erection of a two-storey rear extension to form hotel reception, ladies WC, biomass boiler room, shop store and additional bedrooms and remodelling of the upper floor to provide en suite facilities and manager's flat and the refurbishment of ground floor to create shop and remodelling of gents WC together and a garden folly for Mr Marcus Worthington (Ellel Ward)	Application Permitted
14/00928/CU	6 Dalton Road, Heysham, Morecambe Change of use of garage (B8) to one 1-bed dwellinghouse (C3) for Mr P Hart (Heysham Central Ward)	Application Permitted



LIST OF DELEGATED PLANNING DECISIONS

14/00946/FUL	The Water House, Haverbreaks Road, Lancaster Demolition of existing single storey side and front projections, erection of a single storey side extension, construction of a dormer window to the front elevation and creation of a new access and driveway for Mr M Hudson (Scotforth West Ward)	Application Permitted
14/00951/FUL	135 Bare Lane, Morecambe, Lancashire Retrospective application for the retention of single storey rear extension and a raised patio for Mr A Morrison (Torrisholme Ward)	Application Permitted
14/00955/CU	Fox House, Borwick Lane, Borwick Change of use of agricultural land to domestic curtilage, erection of a single storey extensions to the front, side and rear elevations and creation of a new access point for H Mason + N Smith (Kellet Ward)	Application Permitted
14/00957/FUL	Millrace Court, Main Street, Lancaster Resiting of external boiler enclosure and extension of existing flue system to 4.7m in height for Mr Steven Pinder (Skerton East Ward)	Application Permitted
14/00968/OUT	Land To Rear Of 1 St Michaels Grove, Bolton Le Sands, Lancashire Outline application for the erection of one residential dwelling for Mr James Dant (Bolton Le Sands Ward)	Application Permitted
14/00972/FUL	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Demolition of existing portacabin, erection of a new single storey science classroom building and alterations to existing gateway for Ripley St. Thomas Church Of England Academy (Dukes Ward)	Application Permitted
14/00973/LB	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Listed Building application for alterations to existing gateway for Ripley St. Thomas Church Of England Academy (Dukes Ward)	Application Permitted
14/00975/CU	Tarnwater, Milnthorpe Road, Yealand Conyers Change of use of existing industrial unit (B2) to the storage and distribution of pharmaceuticals (B8) for Mr Phil Roberson (Silverdale Ward)	Application Permitted
14/00982/OUT	West House, Kirkby Lonsdale Road, Arkholme Outline application for erection of a new dwelling with detached garage and a new access for Mr And Mrs N. E And C. H Turner (Kellet Ward)	Application Permitted
14/00983/FUL	20 Mardale Avenue, Morecambe, Lancashire Erection of an attached garage to the side for Miss Myfanwe Costin (Poulton Ward)	Application Permitted
14/00984/FUL	Silver Sapling Camp Site, Chapel Lane, Silverdale Demolition of three sheds and erection of a new storage building attached to the existing amenities building for Lancaster, Garstang And Morecambe Girl Guides (Silverdale Ward)	Application Permitted
14/00998/FUL	12 Bedford Place, Lancaster, Lancashire Erection of a two storey side extension for Mr And Mrs David Lamb (Scotforth East Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01003/FUL	2 Oakville Road, Heysham, Morecambe Erection of a two storey side and front extension and a first floor front extension for Dr Ahmad Aljian (Overton Ward)	Application Refused
14/01016/FUL	5 Blackberry Hall Crescent, Heysham, Morecambe Erection of a joint granny annexe and amenity block to the rear for Mr Tom Harrison (Heysham Central Ward)	Application Permitted
14/01017/VCN	5 Blackberry Hall Crescent, Heysham, Morecambe Change of use of paddock and part of the garden to a Gypsy and Traveller residential site providing two permanent pitches, one transit pitch, and two amenity blocks, one including an ancillary commercial storage (pursuant to the variation of conditions 2 and 8 on planning permission 13/00865/FUL to amend the plans to accommodation for an ancillary granny annex and for relocation of trees approved within the landscaping plan) for Mr Tom Harrison (Heysham Central Ward)	Application Permitted
14/01019/FUL	15 Richmond Avenue, Morecambe, Lancashire Erection of a single storey side and rear extension for Mrs G. Darlington (Poulton Ward)	Application Permitted
14/01022/FUL	Swarthbeck House, Capernwray Road, Capernwray Erection of first floor side and rear extensions, relocation of existing chimney and erection of a balcony to the rear elevation for Mrs Andrea Ceesay (Kellet Ward)	Application Permitted
14/01025/FUL	Walkers In The Field, Scriffen Lane, Ellel Erection of an agricultural building for Mr Park (Ellel Ward)	Application Permitted
14/01029/LB	High Lodge, Low Lane, Leck Listed Building application for the removal of an internal kitchen wall and the installation of a replacement window for Mr Neil Catlow (Upper Lune Valley Ward)	Application Permitted
14/01046/FUL	George Hotel Car Parking Area, 302 Lancaster Road, Morecambe Erection of six 2-storey dwellings with associated amenity space and parking, and reconfiguration of remaining car park for Daniel Thwaites Plc (Torrisholme Ward)	Application Refused
14/01050/FUL	Walnut Gate, Bailrigg Lane, Lancaster Installation of replacement package sewerage treatment plant, repositioning of existing access and extension of existing driveway for Mr & Mrs T+S Mc Minnis (Ellel Ward)	Application Permitted
14/01055/NMA	Dolly Blue Tavern, West Road, Lancaster Non-Material Amendment to approved application 13/00838/FUL to alter window arrangements, refuse store to include utility meters and wall adjacent to main entrance angled in elevation amended to vertical for Adactus Housing Association (Castle Ward)	Application Permitted
14/01056/CU	23 West Street, Morecambe, Lancashire Change of use of existing print shop and offices to form one 2-bed dwelling (C3), one 1-bed self-contained flat (C3) and office premises (B1) with alterations to north and west elevations for Mr Jonathan Ratter (Heysham North Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

14/01057/FUL	117 Sandylands Promenade, Heysham, Morecambe Erection of a single storey rear extension to the ground floor flat for Mr Phill Dodds (Heysham Central Ward)	Application Permitted
14/01060/FUL	Moss Wood Caravan Park, Crimbles Lane, Cockerham Change of use of land to allow holiday occupation of caravans between 4 February and 4 January in the following year for S & H Wild (Ellel Ward)	Application Permitted
14/01064/CU	58 Regent Road, Morecambe, Lancashire Change of use of offices (Use Class B1) into three 1-bed affordable flats (Use Class C3) for John Wright (Harbour Ward)	Application Permitted
14/01066/CU	6 Fairhope Avenue, Morecambe, Lancashire Change of use of butchers shop (Use Class A1) into dental clinic (Use Class D1) for Mr Benjamin Dadswell (Torrisholme Ward)	Application Permitted
14/01070/FUL	Metamark, Luneside, Thetis Road Erection of a single storey extension incorporating the existing canopy to southwest elevation of the existing building and erection of a new detached storage building for Mayday Properties Ltd (Castle Ward)	Application Permitted
14/01074/FUL	11 Toll Bar Crescent, Lancaster, Lancashire Installation of a new window to the gable elevation and six velux windows to the front roof elevation for Mr Simon Winterborn (Scotforth West Ward)	Application Permitted
14/01077/FUL	20 McDonald Road, Heysham, Lancashire Demolition of existing garage and erection of a replacement garage for Mr John Hodgson (Overton Ward)	Application Permitted
14/01082/FUL	13 Grange View Road, Nether Kellet, Carnforth Erection of a first floor side extension for Ms Courtney Spinks (Kellet Ward)	Application Permitted
14/01083/CU	17-19 Greenacre Court, Lancaster, Lancashire Retrospective application for the change of use of nos. 17 and 19 Greenacre Court from one dwelling into two for Ms Philippa Merriman (Scotforth East Ward)	Application Permitted
14/01086/FUL	2 St Nicholas Lane, Bolton Le Sands, Carnforth Erection of replacement boundary fencing and new sliding gate for Mr Nigel Berry (Bolton Le Sands Ward)	Application Refused
14/01090/FUL	6 Ingleborough View, Station Road, Hornby Demolition of existing garage and erection of a replacement garage for Mr E Towers (Upper Lune Valley Ward)	Application Permitted
14/01098/FUL	Land Between 36 And 38 Ingleborough Road, Lancaster, Lancashire Erection of one 3-bed dwelling for Vale Of Lune R.U.F.C. (Skerton West Ward)	Application Permitted
14/01101/FUL	80 Broadway, Lancaster, Lancashire Installation of a window and door to replace existing front and 2 windows to the side for Mr J Corless (Skerton East Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01113/ADV	33 - 37 Church Street, Lancaster, Lancashire Advertisement application for the display of 1 externally non illuminated fascia signs, 1 externally illuminated fascia sign, 1 non illuminated name sign, 1 externally illuminated hanging sign and 2 non illuminated menu signs for Stonegate (Dukes Ward)	Application Permitted
14/01116/LB	33 - 37 Church Street, Lancaster, Lancashire Listed building application for the installation of 2 fascia signs, 1 hanging sign, 1 name sign, 2 menu boards and 4 lanterns for Stonegate (Dukes Ward)	Application Permitted
14/01120/LB	Midland Hotel, Marine Road Central, Morecambe Listed building application for repairs and part replacement to existing ground floor for English Lakes Hotels (Poulton Ward)	Application Permitted
14/01121/FUL	Bank Barn, Dykes Lane, Yealand Conyers Retrospective application for the retention of a greenhouse for Mrs S Thompson (Silverdale Ward)	Application Permitted
14/01130/PLDC	9 Penrith Avenue, Heysham, Morecambe Proposed Lawful Development application for the conversion of garage to studio for Ms L. Newman (Heysham Central Ward)	Lawful Development Certificate Granted
14/01137/ADV	D Stoker Group, Fellgate, Morecambe Advertisement application for the display of 6 internally illuminated fascia signs, 1 externally illuminated fascia sign, 1 internally illuminated entrance feature, 3 internally illuminated free standing signs, 3 non-illuminated free standing signs, 2 non-illuminated wall pillars, 1 non-illuminated wall sign and 8 flags on to existing flagpoles for Mr Stuart Edwards (Westgate Ward)	Application Refused
14/01140/FUL	4 Dorchester Gardens, Morecambe, Lancashire Erection of a single storey rear extension for Mr M West (Westgate Ward)	Application Permitted
14/01152/FUL	32 Chapel View, Overton, Morecambe Erection of a single storey side extension for Mr David Clayton (Overton Ward)	Application Permitted
14/01161/VCN	Land South Of, King Street, Morecambe Demolition of an existing bungalow and garage and the erection of 10 two bedroom houses and 8 one bedroom flats with associated car parking and landscaping (pursuant to the variation of condition 2 on previously approved application 13/01242/FUL to amend the site layout plan and house plans) for Milli Developments Ltd (Poulton Ward)	Application Permitted
14/01180/CCC	Judges Lodgings Museum, Castle Hill, Lancaster Construction of internal glass lobby area for Mr Nicholas Dale (Castle Ward)	No Objections
14/01190/NMA	Faraday Building, Physics Avenue, Lancaster University Non-material amendment for an additional door to plant room on south elevation on approved application 13/01061/FUL for Mr Mark Swindlehurst (University Ward)	Application Permitted
14/01193/CCC	Dallas Road County Primary School, High Street, Lancaster Installation of a games area for (Dukes Ward)	No Objections

## LIST OF DELEGATED PLANNING DECISIONS

14/01239/AD	Cock's Wood , Nether Kellet Road, Over Kellet Agricultural Determination for the erection of a steel portal frame building for Mr D Walling (Kellet Ward)	Prior Approval Not Required
14/01271/FUL	6 Yealand Drive, Lancaster, Lancashire Erection of a two storey side extension and single storey rear extension for Mr Jim Duncan (Scotforth East Ward)	Application Withdrawn
14/01315/CU	Box Tree, Ravens Close Road, Wennington Change of use of barn to 4-bed dwellinghouse (C3) for Ian Armour (Upper Lune Valley Ward)	Application Withdrawn