



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 6<sup>TH</sup> MARCH 2017

**Venue:** LANCASTER 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 6th February, 2017 (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 9 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 that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

## Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

## Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the 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.

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|----------|------------------------|--|------------------------------------|------------------------|
| <b>5</b> | <b>A5 16/00335/OUT</b> | <b>Land Between Brewers Barn And The A601(M), Carnforth Brow, Carnforth</b>  | <b>Carnforth and Millhead Ward</b> | <b>(Pages 1 - 21)</b>  |
|          |                        | Outline application for the erection of up to 158 dwellings with associated new vehicular access, incorporating a roundabout and access road, and pedestrian/cycle access points for Mr R Hughes |                                    |                        |
| <b>6</b> | <b>A6 16/01572/OUT</b> | <b>Land Adjacent To Church Bank And Greenways, Over Kellet, Lancashire</b>   | <b>Kellet Ward</b>                 | <b>(Pages 22 - 34)</b> |
|          |                        | Outline application for the erection of 15 dwellings and creation of a new access for The Late James Cottam (Senior) Will  |                                    |                        |
| <b>7</b> | <b>A7 16/01150/FUL</b> | <b>Lune Valley Lawnmowers, Sylvester Street, Lancaster</b>   | <b>Castle Ward</b>                 | <b>(Pages 35 - 43)</b> |
|          |                        | Demolition of existing industrial building and erection of 4 residential flats with associated car parking for Mr Colin Stephens   |                                    |                        |

8	A8 16/01136/FUL	<b>Land Opposite 26 To 48, Lancaster Road, Overton</b>	<b>Overton Ward</b>	<b>(Pages 44 - 55)</b>
		Erection of 32 dwellings with associated access, internal roads, open space and landscaping for Messrs Hancock & Grantham		
9	A9 16/01617/VCN	<b>Arna Wood Farm East, Arna Wood Lane, Lancaster</b>	<b>Scotforth West Ward</b>	<b>(Pages 56 - 61)</b>
		Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm (pursuant to the variation of condition 2 on planning permission 14/00907/FUL to amend the plans, including the alteration to the design and position of the substation, alteration of the site layout and siting of buildings to house transformers) for Canadian Solar UK Projects Ltd		
10	A10 17/00028/FUL	<b>81 Hest Bank Lane, Hest Bank, Lancaster</b>	<b>Bolton and Slyne Ward</b>	<b>(Pages 62 - 68)</b>
		Partially retrospective application for the erection of a two storey side extension, construction of a dormer extension to the rear elevation and creation of a new access point for Mr P. Jackson		
11	A11 16/01592/RCN	<b>The Loft And Sellerley Shippon, Sellerley Farm, Conder Green Road</b>	<b>Ellel Ward</b>	<b>(Pages 69 - 74)</b>
		Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats (pursuant to the removal of condition 8 on planning permission 99/00489/CU to permit the continuance of permanent residential occupancy) for Mr Edward Newsham		

12	A12 16/01612/VLA	<b>The Loft And Sellerley Shippon, Sellerley Farm, Conder Green Road</b>	Ellel Ward	(Pages 75 - 80)
		Variation of legal agreement attached to planning permission 99/00489/CU to vary or revoke the occupancy restriction for Mr Edward Newsham		
13	A13 16/01593/RCN	<b>1 To 3, Sellerley Farm, Conder Green Road</b>	Ellel Ward	(Pages 81 - 86)
		Change of use and conversion farm buildings to form student/tourist accommodation (3 units) (pursuant to the removal of condition 8 on planning permission 01/00874/CU to be removed to permit the continuance of permanent residential occupancy) for Mr Edward Newsham		
14	A14 16/01613/VLA	<b>1 To 3 Sellerley Farm, Conder Green Road, Galgate</b>	Ellel Ward	(Pages 87 - 92)
		Variation of legal agreement attached to planning permission 01/00874/CU to vary or revoke the occupancy restriction for Mr Edward Newsham		
15	A15 16/01594/RCN	<b>5 To 8 Sellerley Farm, Conder Green Road, Galgate</b>	Ellel Ward	(Pages 93 - 98)
		Change of use and conversion of redundant buildings to form tourist and overnight accommodation (pursuant to the removal of condition 7 and 8 on planning permission 05/00742/CU to permit the continuance of permanent residential occupancy) for Mrs Bargh		
16	A16 17/00038/VCN	<b>Grasscroft, Borwick Avenue, Warton</b>	Warton Ward	(Pages 99 - 104)
		Erection of three dwellings with garages and associated access and landscaping (pursuant to the variation of condition 2 of planning application 15/00425 to amend the site layout and amend windows and materials) for Mr Julian Stainton		

## **17 Delegated Planning Decisions (Pages 105 - 115)**

### **ADMINISTRATIVE ARRANGEMENTS**

#### **(i) Membership**

Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Stuart Bateson, Eileen Blamire, Dave Brookes, Abbott Bryning, Claire Cozler, Andrew Kay, Margaret Pattison, Robert Redfern, Roger Sherlock, Sylvia Rogerson, Malcolm Thomas and Peter Yates

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

Councillors Jon Barry, Susie Charles, Sheila Denwood, Mel Guilding, Tim Hamilton-Cox, Janice Hanson and Geoff Knight

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

Please contact Tessa Mott, Democratic Services: telephone (01524) 582074 or email [tmott@lancaster.gov.uk](mailto:tmott@lancaster.gov.uk).

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

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

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Published on Wednesday 22<sup>nd</sup> February, 2017.

<b>Agenda Item</b> A5	<b>Committee Date</b> 6 <sup>th</sup> March 2017	<b>Application Number</b> 16/00335/OUT
<b>Application Site</b> Land Adjacent Brewers Barn Carnforth Brow Carnforth Lancashire	<b>Proposal</b> Outline application for the erection of up to 158 dwellings with associated new vehicular access, incorporating a roundabout and access road, and pedestrian/cycle access points	
<b>Name of Applicant</b> Mr R Hughes	<b>Name of Agent</b> Mr Avnish Panchal	
<b>Decision Target Date</b> 30 December 2016 Extension of time agreed to the 31 <sup>st</sup> March 2017	<b>Reason For Delay</b> Submission of further information and ongoing negotiations in relation to highway and infrastructure considerations and viability matters	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve subject to a legal agreement	

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

- 1.1 The application site relates to a 7.4ha parcel of agricultural land located on the edge of Carnforth town within designated Countryside Area. The site is bound by Lancaster Canal to the south, the Whelmar Estate to the west, the A601(M) to the east and agricultural land extending up to Carnforth Brow to the north, including a cluster of residential properties (Netherbeck). The Carnforth to Leeds railway line runs lies to the north of the site.
- 1.2 Existing vehicular and pedestrian access to the site is via North Road from the west (Carnforth) or Netherbeck (which is a continuation of North Road) from the east (the Kelllets). There is an existing field access off Netherbeck to the north and an access to the site via the existing property, Brewers Barn, which is accessed through the Whelmar Estate. The A601(M) which runs along the eastern boundary is separated from the site by a strong belt of hedgerow trees. This road enjoys motorway regulations and provides the connection between the M6 to the A6 (Scotland Road).
- 1.3 The topography of the site and its surroundings is gently undulating at relatively low altitudes ranging between circa 12.5m Above Ordnance Datum (AOD) and 20m AOD; this is typical of the local landscape character which is described as Low Coastal Drumlins. The levels are at their lowest adjacent to the Back Lane watercourse (north of the application site) rising and falling towards the base of the canal embankment where the site levels are circa 19m AOD. The top of the canal is approximately 21.4m AOD. Land levels to the north of Brewers Barn rise quite sharply from Back Lane watercourse (13.2mAOD) up to approximately 16.4m AOD towards the central section of this part of the site. The site levels then drop very steeply to the east over a relatively short distance (from 16.6m AOD to 11.7m AOD) towards the watercourse.
- 1.4 Field boundaries within the site consist of native hedgerows and trees and provide important landscape features. Recent tree planting is evident along the boundary with the Whelmar Estate, whilst much more mature landscaping exists along the boundary with the A601(M) and canal. There are two significant trees close to the field access off Carnforth Brow that are protected by a Tree Preservation Order (TPO No.170) (1989) and a further two trees protected by TPO 133 (1998)

located close to the boundary of property on Browfoot Close and on land associated with 11 Browfoot Close.

- 1.5 Lancaster Canal runs along the southern boundary of the site and is a designated Biological Heritage Site (BHS). It is therefore recognised for supporting a diverse range of habitats and species. There are also drainage ditches within the site as well as open and culverted sections of Back Lane Watercourse which is a tributary of the River Keer. The Environment Agency (EA) flood maps indicate that the majority of the site falls within flood zone 1 with parts of the northern section of the site (north of Brewers Barn) within flood zone 2, and a very small pocket of land in the far north eastern corner within flood zone 3.
- 1.6 Other constraints on site include a high-pressure gas pipeline that runs north-south alongside the eastern boundary and overhead electricity power lines which cross the site and a pylon. The site is also located within a Mineral Safeguarding Area.

### **2.0 The Proposal**

- 2.1 The applicant seeks outline planning permission for up to 158 dwellinghouses with an associated vehicular access off the A601(M) incorporating a new roundabout and access road into the site with pedestrian/cycle and emergency access points to North Road and the Whelmar Estate and pedestrian/cycle links to the canal towpath.
- 2.2 The layout, scale, landscaping and appearance of the development are matters reserved for subsequent approval. The details provided in relation to such matters are indicative only. Access is to be considered in full as part of this outline application. To deliver the proposed access, the revocation of the A601(M)'s Special Status would be required, i.e. removing its motorway status. Whilst this would be subject to separate legal agreements with the Highway Authority the principle of removing the Special Status is set out in the application.
- 2.3 The access strategy for the site consists of a single vehicular access point involving an at-grade roundabout junction with 75m of linking road into the site onto a downgraded A601(M). There is no provision for pedestrian/cycle access as part of this main access. Separate pedestrian/cycle access arrangements (including emergency vehicle access points) are proposed to North Road and via the private drive of Brewers Barn onto the Whernside Grove.
- 2.4 The application proposes 40% of the dwellinghouses to be affordable (64 units based on a scheme for 158 dwellings). The submission indicates that there would be no new housing within flood zones 2 and 3. To deal with this, the indicative plans provide open space in the areas around the existing watercourse. The submission also assumes the infrastructure on the site (pipeline and electricity pylons) will be relocated within the site under separate agreement with the infrastructure providers.

### **3.0 Site History**

- 3.1 The site has been subject to two previous outline planning applications for the development of a marina complex and hotel with associated access, parking and landscaping. The first of these applications was withdrawn by the applicant to try and overcome a number of objections raised by consultees and officers. These objections included (i) the sequential test for the hotel element of the proposal and (ii) highway concerns associated with the proposed access off the A601(M). A further application was submitted on 12 March 2013 for the same development. The Planning and Highways Regulatory Committee resolved to approve the development on 21 July 2014, subject to conditions and a legal agreement securing the delivery of the new access and highway improvements, together with ecology mitigation/compensation. This application was reported back to committee in October 2016, but was deferred while discussions were ongoing over the appropriateness of the access given the presence of the gas pipeline. This application has not yet been reported back to committee to enable the s106 to be signed. Subsequently, despite the Committee's resolution to approve, there is no formal planning permission yet in place. Relevant planning history is noted in the table overleaf.
- 3.2 Additionally the site was considered in the Council's latest Strategic Housing Land Availability Assessment (SHLAA) (2015) as a potentially-deliverable housing site within the 6-10 year phase of the plan period. The SHLAA did however recognise the accessibility constraints associated with this site.

3.3 The applicant also sought ‘in-principle’ (Level 1) pre-application advice regarding the prospects for residential development on the site. This advice concluded the proposal may be acceptable subject to a number of matters being satisfactorily addressed, including the provision of a suitable vehicular access point; accessibility to public transport and the pedestrian environment; landscape impacts; impacts on biodiversity; flood risk, and addressing its mineral safeguarding allocation.

Application Number	Proposal	Decision
12/00269/OUT	Outline Application for the construction of a 50 berth Marina, hotel, facilities building, wind turbine, car parking and landscaping with full details of access arrangements	Withdrawn
13/00211/OUT	Outline application for a new inland marina (up to 50 berths), associated facilities building, hotel, associated parking and new access arrangements	Decision pending (subject to s106)
16/00123/EIR	Screening request for residential development	LPA concludes the proposal is not EIA development

**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>Initially objected. Since then LCC Highways have negotiated with the applicant and reviewed amendments and further supporting information. They have confirmed that despite concerns over the location and access to local amenities/services including public transport, they have no objections to the proposed access strategy and that the supporting measures (Section 278 works) to reduce the impacts of the development to improve connectivity. Overall their position of <b>no objection</b> is subject to a number of conditions and s106 contributions covering the following:</p> <ul style="list-style-type: none"> <li>• Details of site access and associated off-site works including construction phasing plan and implementation of such works;</li> <li>• Site layout with all connections (including emergency access) to be submitted and agreed;</li> <li>• Canal towpath improvements; and also a pre-occupation (1<sup>st</sup> dwelling) condition requiring full payment of the s106 canal towpath contribution;</li> <li>• New estate roads to be built to adoptable standards;</li> <li>• Garage use restricted to parking of cars and not living accommodation;</li> <li>• Travel Plan condition and Travel Plan support to the sum of £12,000;</li> <li>• Protection of visibility splays;</li> <li>• Traffic Management Plan for construction works;</li> <li>• Scheme for future management and maintenance of the proposed streets;</li> <li>• Contribution to review and improve existing public rights of way.</li> </ul>
<b>Highways England</b>	<b>No objection</b> - Have considered the nature of the proposals and their likely traffic generation. Conclude that the development would be unlikely to result in a severe impact upon the Strategic Road Network. Highways England confirm that the A601(M) is operated by Lancashire County Council and that they need to determine the traffic/safety implications of the proposal upon junction 35 including any alterations required for the removal of its special-status.
<b>Planning Policy Team</b>	<b>Comments</b> - the Authority has an undersupply of housing and that the development should be considered in accordance with paragraph 14 of the NPPF. Opportunities to address the lack of a five year housing supply is a key consideration. The application may be supported on this basis provided the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits.
<b>Public Realm Officer</b>	<b>No objections</b> subject to on-site amenity greenspace with equipped play area and young people’s provision and off-site contribution (£244,426) towards outdoor sports and parks and gardens.



	The Public Realm Officer has indicated that due to the sites location a junior football pitch on site would be a good alternative to the off-site outdoor sports contribution.
<b>Strategic Housing Officer</b>	<b>No objections</b> in principle subject to a good mix of market and affordable housing. The main needs are 1 & 2-bedroom units with some larger units to meet the affordable needs. If the development does not provide 1-bedroom units it should not be supported. Early dialogue with Registered Providers is recommended.
<b>Canal &amp; Rivers Trust</b>	<p><b>No objection</b> subject to the developer contributing to the upgrade of the canal towpath between the site and Bridge 128 (Market Street). To be secured by a s106 contribution in the region of £100,000 and the following conditions:</p> <ul style="list-style-type: none"> <li>• Development to accord with recommendation of the Flood Risk Assessment.</li> <li>• No construction within 10m of the toe of the canal embankment until details of the foundations have been submitted and approved (by the LPA) in the interest of protecting the structural stability of the canal infrastructure.</li> <li>• Details of the access points to the towpath to be submitted and agreed in writing with the LPA.</li> <li>• Full landscaping details and a 10 year maintenance plan.</li> <li>• No tree planting within 5m of the waterway embankment.</li> <li>• External lighting details to be agreed.</li> </ul> <p>Additional comments included that they consider the Landscape and Visual impact Assessment (LVIA) underestimates the impact of the development on the canal; the water frontage should be utilised as an asset, not a constraint (although a balance is needed in terms of a healthy hedgerow boundary); turning heads and accessed roads should be discouraged; proposed pedestrian/cycle link junction has an awkward junction with the towpath and needs carefully design; and a 3m access strip to the rear of plots 34-41 should be provided.</p>
<b>Lead Local Flood Authority</b>	<b>No objection</b> subject to development according with the Flood Risk Assessment (FRA) and a surface water drainage scheme shall be agreed as part of reserved matters application. ( <i>Advice Notes are recommended in relation to land drainage consents and easements from the watercourse on site</i> ).
<b>United Utilities</b>	<b>No objection</b> subject to conditions requiring foul and surface water drainage on separate systems; surface water drainage scheme to be constructed in accordance with the submitted FRA with surface water restricted to 11l/s; and a sustainable drainage management and maintenance plan for the lifetime of development to be submitted and agreed.
<b>Environment Agency</b>	<b>No objection</b> subject to development according with submitted FRA, in particular that there shall be no development within flood zones 2 and 3. ( <i>Advice regarding Environmental Permit under separate (non-planning) legislation is also provided</i> )
<b>Health and Safety Executive (HSE)</b>	<b>No objection</b> – despite the initial advice generated from their HSE Planning Advice Web App advising against the grant of planning permission, on consideration of the proposal and the advice from NGGD (see below), HSE have removed their initial objection and <i>do not Advice Against</i> the grant of planning permission.
<b>National Grid (NGGD)</b>	<b>Comments</b> - there is a high pressure gas pipeline within the site that could be affected. NGGD has indicated that the relocation of the pipeline and its route has not been confirmed by NGGD and that feasibility studies would have to be undertaken. In this regard NGGD has invited dialogue ( <i>NB: outside the planning process</i> ) with the applicant to discuss potential mitigation for loss of development. NGGD advise that the pipeline is a major accident hazard pipeline and that consultation with the HSE should be carried out. They also provide a number of advisory notes, including no buildings within the easements of the pipeline and various other plant protection/safety considerations. NGGD have indicated that the land allocated within the proposed layout scheme will not be sufficient or appropriate to accommodate a realigned high pressure main together with the necessary ancillary safety protection areas and 18m wide easement rights.
<b>Electricity North West (ENW)</b>	<b>Comments</b> - the development is shown to be adjacent to or affect ENW operational land and assets. The developer is advised to contact ENW estates and Wayleaves. ENW also advise that the costs to divert would usually be borne by the developer. ENW have indicated they would not object to the overhead line remaining over the completed development provided the developer complies with all statutory regulations regarding safety clearances.

<b>Environmental Health Service</b>	<b>Comments</b> - Initial objection on the grounds of inadequate assessment of noise impacts and impacts on the Air Quality Management Area in Carnforth Centre have been partly overcome. Air Quality mitigation has now been proposed which removes the initial objection provided such mitigation is conditioned. With regards to noise, it has been agreed between the applicant and Environmental Health that further assessment would be required to inform appropriate mitigation once the layout of the site has been determined through the reserved matters application. Standard Contaminated Land conditions are recommended.
<b>Tree Protection Officer</b>	<b>Objection</b> - The proposed loss of trees and hedgerows is unlikely to have any significant and long term adverse impact upon the character and appearance of the site. But objects due to failure to provide a tree protection plan overlaid with the indicative layout. <i>NB: as the layout is indicative, there is no requirement to provide the information requested at this outline stage.</i>
<b>Greater Manchester Ecology Unit</b>	<b>No objection</b> – observations include: At least 10% of site area to be retained as greenspace and enhanced in terms of landscape and habitat value; The indicative landscape plan shows that the hedgerows, watercourses and trees are capable of being retained and protected. These features are also used by bats for feeding and commuting. If retained the proposals will not have a substantive detrimental impact on the local bat population; The Canal BHS is most important feature to be of most value to bats. There should be no light over-spill onto the Canal corridor; No vegetation clearing or groundworks to take place during March-August (bird breeding season); Landscaping scheme to be provided at reserved matters, including new tree and shrub planting of appropriate species; provision of large un-fragmented garden spaces; retention/creation of coherent green corridors; Installation of bird nesting and bat roosting boxes; and Incorporation of Sustainable Urban Drainage Systems.
<b>Natural England (NE)</b>	<b>No objection</b> in relation to nature conservation sites. Also advise that the nearby Site of Special Scientific Interests (SSSI) do not represent a constraint to development. Advise that consideration is given to the nearby AONB and its landscape designation and whether there would be significant impact on or harm the statutory purpose of the AONB.
<b>Lancashire Education Authority</b>	<b>No objections</b> subject to a contribution towards 18 secondary school places. They have confirmed no contribution needed for primary school places.
<b>Carnforth Town Council</b>	<b>Objection</b> on the following grounds (including comments to the amendments): <ul style="list-style-type: none"> <li>• Highway and Traffic matters, including reservations about removing the motorway status from the A601(M) and allowing all modes of transport usually permitted for A roads. CTC consider this would be dangerous and could lead to non-motorway traffic entering the M6. The emergency access is of little use and could lead to it becoming a through route, increasing traffic on North Road. There would be an increase in traffic during construction stages impacting upon queuing in Carnforth and would harm local businesses. Concerns in relation to the proposed off-site highway improvements to North Road – noting that removing on-street parking will exacerbate parking problems and would not have any effect.</li> <li>• The area is prone to flooding.</li> <li>• Increase demand and pressure on existing services (doctor surgery and school).</li> <li>• Due to the close proximity of the development to the M6, the town council feel this makes Carnforth a “commuter town”.</li> <li>• The site is not allocated in the Local Plan for housing in the district.</li> </ul>
<b>Lancashire Constabulary</b>	<b>No objections</b> - Recommends design to ‘Secure by Design’ standards and advises that the pedestrian/cycle links should be carefully designed to enhance natural surveillance. Security should be provided on site during construction phases.
<b>Lancashire Fire Service</b>	<b>Advice</b> - The Fire Service will make a detailed report at Building Regulations stage but reminds the developer the development must meet all the requirements of part B5 of the Regulations.
<b>Dynamo</b>	<b>Objection</b> - the proposals to improve walking and cycling links between the development and Carnforth centre are too weak. The towpath improvements should be secured and agreed with the CART and the upgrades provided before occupation.

## 5.0 Neighbour Representations

5.1 At the time of compiling this report in excess of 85 objections have been received. The main planning reasons for opposition are summarised as follows:

- **Inappropriate and unsustainable location** for housing concerns include: more sustainable, brownfield sites should be developed first (e.g. Lundsfield Quarry and Keer Bridge); loss of agricultural land; loss of greenfield land; inadequate infrastructure and jobs (schools, health, bus services) to support town expansion; lack of housing need; remote from the main urban area and bus/rail stations and therefore encouraging greater reliance of the use of private car; the site previously considered unsuitable in the SHLAA 2008; the provision for circular bus routes through the development should be explored, and; the proposal is contrary to strategic growth of Carnforth through the Green Belt Review and emerging land allocations.
- **Inappropriate and unsustainable access** – including lack of sustainable travel options; practicalities and costs associated with downgrading the A601(M) and risks if this doesn't occur (development may proceed with the main access via North Road); safety concerns due to proximity of new roundabout to Junction 35; the lack of provision to ensure the downgraded route is safe for all users (pedestrian/cyclists); concerns over the timing of its implementation; if accepted the access should be delivered before commencement of the development in the form of a Grampian condition, and; the emergency access points are not suitably controlled to prevent vehicle access.
- **Increased traffic along North Road and in/along Carnforth/A6**– concerns include misuse, management and enforcement of the emergency access and risk of a rat-running from A601(M) towards town centre and beyond via North Road; questions the need for emergency access points; exacerbation of existing congestion and traffic on North Road; suitability and safety of North Road for construction vehicles (weight limits should apply to North Rd for construction vehicles (7.5 tonnes)); visitors parking on Whernside Grove; and, impact of increased traffic, congestion and parking within Carnforth.
- **Pedestrian/Cycle Safety** – concerns include: lack of continuous footways, sub-standard footways and suggested route is very steep; and the canal towpath is dark and pavement is deteriorating – lighting is suggested by some (and not others). Suggested pedestrian access to Whernside crosses a private drive (currently in same ownership as applicant).
- **North Road Pedestrian Improvements** – concerns include: widening of footpaths makes the carriageway too narrow to allow parked cars and passing vehicles; loss of on-street parking; lack of forward visibility at the give-way sections (pinch points) and increased risk of collisions making pedestrian safety worse than existing. Given the distance from the site to the town centre most residents will drive and not walk along North Road questioning the need for the pedestrian improvements at all.
- **Impacts on Air Quality** and increase in **noise** from the new roundabout (vehicles slowing and speeding up). The Acoustic Assessment is inadequate.
- **Landscape, recreational and biodiversity** concerns include: loss of local greenspace and greenfield site, loss of hedgerows, negative impacts on wildlife and protected species, additional landscaping likely to lead to overshadowing and would not compensate for losses, and loss of peaceful landscape and recreational value of the canal towpath;
- **Design and residential amenity concerns** including loss of privacy and overlooking from the proposed dwellings into existing gardens; loss of outlook; the site cannot accommodate 158 houses and ensure residential amenity is protected for existing residents, and the density is too high compared to adjacent development;
- **Flood Risk** concerns including: inadequate assessment of flooding; the site flooded during December 2015; development will increase risk of flooding (and flooding frequencies) on and off-site; where will required attenuation be located?; water quality concerns given the Over Kellet sewerage works discharge to the watercourse that runs through the site;

- **Infrastructure** concerns include: safety issues developing so close to existing pylons/overhead cables and gas pipeline; diverting the infrastructure is considered short-sited and the associated costs could be significant and will lead to fewer dwellings on the site; local services unable to cope with increased populations (schools and healthcare in particular) and town has insufficient parking provision to cope with expansion, and; concerns including whether the existing foul system can cope with additional development.
- **Other concerns** include: lack of consultation and community engagement; impact on Heritage Assets (damage from traffic and vibration and change in character of the area); impact on farming community (access through North Road); the site does not benefit from planning permission for a marina and hotel as claimed by the applicants submission; contrary to Human Rights Act; inconsistencies in the submission; previous MP letter quoted stating the MP would not support housing.

4 letters neither in support or objection have been received. These make comment regarding parking congestion and forward visibility; the need for more recreational space; query regarding the tallest dwelling height; and acknowledgement that public transport in Carnforth has been substantially reduced – bus routes 5, 51 and 55 (evening and Sunday services badly affected), and a comment that any permission must ensure access to North Road is restricted and not relaxed

One letter of support was received on the proviso that there is no access for vehicles on North Road.

A public meeting was held which included approximately 80 residents and local councillors. A written summary of the issues raised at the meeting has been submitted. These issues are broadly similar to the key areas of concern already noted in this section. Additional comments include a query as to whether the proposed roundabout would be implemented before or after the houses; doubts regarding the applicant's claims in relation to employment opportunities; questions the applicants claim that there is a planning permission for the access off the A601(M); the status and management of the A601(M); commenting that the City Council and County Council stand to gain financially from building more houses, and questioned/discussed the practicalities, responsibilities and costs associated with moving the pipeline and overhead cables.

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

### **6.1 National Planning Policy Framework**

Paragraphs 7, 12,14 and 17 – Sustainable Development and Core Principles

Paragraphs 31, 32, 34 and 35 - Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

Section 8 – Promoting Healthy communities (access to open space/school places)

Paragraphs 100 – 104 – Flood Risk

Paragraphs 109, 115, 117 and 118– Conserving the natural environment

Paragraphs 120-121 – Land contamination

Paragraphs 123- 125 – Noise, Air Quality and Light pollution

Paragraph 144 – Mineral Safeguarding

Paragraph 173 and 176 – Ensuring viability and deliverability

Paragraphs 188 -195 – Pre-application engagement and consultation with appropriate bodies when planning, or determining, development around major hazards.

Paragraphs 196, 197 and 203 – 206 – Decision taking and planning conditions/obligations

### **6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the

latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### 6.3 Saved Lancaster District Local Plan (2008)

Policy E4 – Countryside Area  
Policy E12 – Impacts on Wildlife  
Policy E30 – Green Corridor

### 6.4 Core Strategy(2008)

Policy SC1 – Sustainable Development  
Policy SC2 – Urban Concentration  
Policy SC4 – Meeting the Districts Housing Needs  
Policy SC5 – Achieving Quality in Design  
Policy SC6 – Crime and Community Safety  
Policy SC7 – Flood Risk  
Policies ER2 – Regeneration Priority Areas(Carnforth)  
Policy E1 – Environmental Capital  
Policy E2 – Transportation

### 6.5 Development Management DPD(2014)

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Parking Provision  
DM23 – Travel Plans  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, hedgerows and Woodland  
DM31 - Development affecting Conservation Areas  
DM35 – Design  
DM37 – Air Quality Management  
DM38 – Flood Risk  
DM39 – Surface water run-off-SUDS  
DM41 – New Residential Dwellings  
DM48 – Community Infrastructure  
DM49 – Local Services

### Other Considerations:

- National Planning Policy Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement
- Lancashire Landscape Strategy including Lancaster Character Assessment
- Guidance Note on Policy M2 – Safeguarding Minerals, December 2014
- Strategic Housing Land Availability Assessment (2015)

## **7.0 Comment and Analysis**

7.1 The key planning considerations are as follows:

- 7.2 Principle of development
- 7.3 Contribution towards housing need
- 7.4 Highway considerations
- 7.5 Biodiversity considerations
- 7.6 Flood risk and drainage considerations
- 7.7 Infrastructure considerations
- 7.8 Design, Landscape and Amenity considerations
- 7.9 Planning Balance and Deliverability

### **7.2 Principle of development - Key Issues**

7.2.1 At the heart of the NPPF is the presumption in favour of sustainable development. Delivering sustainable development is also echoed in the District's Core Strategy and the Development Management DPD. Paragraph 7 of the NPPF explains that there are three principal roles to sustainable development, namely economic, environmental and social, and these roles are mutually dependant. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

#### **7.2.2 Site Location**

Development Plan Policy (CS Policy SC1, DM DPD Policies DM20, DM35 and DM41) advocate the siting of new development in sustainable areas where it is convenient to walk, cycle and travel to and from homes, services and facilities by public transport. The proposed site is located adjacent to the edge of the existing built-up area of Carnforth (the Whelmar Estate) within the Countryside Area, bounded by a short length of North Road and agricultural land to the north, the A601(M) to the east and the canal to the south. On plan the proposal appears a logical extension to the boundaries of the settlement. However, the highway constraints associated with North Road and the distance between the site and the local amenities/services, presents a somewhat less attractive site for development. In order for a site to be considered a sustainable location, the maximum recommended walking distances to a town centre are 800m; a school/commute 2000m and access to public transport (bus stop) 400m. In this case, with the exception of education, most amenity needs are beyond the maximum distances with the nearest bus stop 920m from the site, 1050m to the town centre (at its closest point) and 1150m at the furthest point of the site. This is compounded by the constrained nature of North Road which has clearly led to the proposal having its main vehicular access point off the A601(M), meaning that there is no vehicular connections through the existing built environment. This is a key material consideration in the determination of the application and is a weakness of the scheme, which must be weighed against the benefits when assessing if the proposal represents sustainable development in the context of paragraph 7 of the NPPF.

#### **7.2.3 Site Allocation – Presumption in Favour of Sustainable Development**

The site is not an allocated housing site and is located in the Countryside Area adjacent to the built-up area of Carnforth. The Countryside Area designation limits development in the countryside to essential needs of agriculture and other uses appropriate for the rural area. LDLP Saved Policy E4 indicates that the development needs can be accommodated in the main urban areas of the district and key rural settlements. This policy is considered out-of-date. Officers and Members are all too acutely aware that the Council cannot evidence a deliverable 5-year housing land supply and that the district's development needs are not currently capable of being met by the sites allocated in the saved Local Plan. As a consequence, for housing proposals, this means the presumption in favour of sustainable development is engaged in the decision-making process (Paragraph 49 and 14 of the NPPF). For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Needless to say, the proposal would make a positive contribution to the supply of housing in the district and that this is a significant material consideration in the determination of the application. The following sections of this report will set out the key material considerations associated with the

proposal to establish whether the proposal represents sustainable development and whether the benefits of the scheme outweigh the impacts.

### 7.2.4 Loss of Agricultural Land

There have been concerns raised about the loss of agricultural land. The applicant has submitted documentation to evidence the agricultural quality of the land. The site is classified as Grade 3b which is defined as 'moderate quality'. Planning policy (NPPF and DM DPD Policy DM27) seeks to protect the best and most valuable versatile agricultural land. On this basis, there are no planning grounds to resist the principle of development due to the loss of 'moderate quality' agricultural land.

### 7.2.5 Mineral Safeguarding Land

The site is also protected for its potential mineral resource. Policy M2 of the Minerals and Waste Plan seeks to prevent the sterilisation of mineral resources by non-minerals development. The Mineral Safeguarding designation extends across this part of the district, particularly to the north and east of the site – as a consequence of the proximity to existing quarries. The applicant - during the determination of the earlier marina and hotel application - provided sufficient information to satisfy the County Council (as the Minerals and Waste Authority) that the proposal would not prejudice mineral resources. The same information has been submitted again here, including a view that there is insufficient mineral of adequate quality to justify commercial extraction. It is also contended that the proximity of sensitive land uses including existing residential dwellings and the Canal (Biological Heritage Site) will further limit the feasibility of prior extraction. Given this, together with the long-term requirements to secure housing to meet the needs of the district over the plan period, it is contended that the principle of residential development on the site should not be prevented on the grounds the site is safeguarded for its mineral resource.

### 7.2.5 Emerging Plans

The Council are in the process of reviewing the Local Plan and are currently consulting on a draft Strategic Land Allocations DPD. As some members of the public have alluded in their representations, this Plan identifies two strategic housing allocations in South Carnforth. Lundsfield Quarry remains an allocated (brownfield) housing site (it is currently allocated for housing in the saved local plan also) which would potentially make a positive contribution to support wider regeneration in Carnforth. A second strategic site is included to the south of Windermere Road. This site is currently on designated Green Belt land. The preamble to Policy SG14 (south of Windermere Road) recognises that there are limited opportunities for growth in Carnforth noting that the M6 motorway provides a robust boundary from the urban fabric of the town and the countryside beyond. Given these limited opportunities, the Council have considered the review of the Green Belt boundary to south Carnforth necessary to meet future development needs. Whilst these sites have been identified as part of the emerging Plan, given the early stages of preparation, the weight that can be afforded to these policies in the decision-making process is currently limited. On this basis, the Council could not delay the determination of this application whilst the emerging Plan gains momentum and could not refuse planning permission on the basis that these other emerging strategic sites could potentially contribute towards the district's development needs (instead of the application site). This is simply not the case. The position of Government is clear – authorities must boost the supply of housing – the NPPF endorses this through the presumption in favour of sustainable development being applied to housing proposals.

7.2.6 In summary, it is accepted that the proximity of the site to key services/amenities is a constraint and with this brings issues of locational sustainability (to be discussed later in the report) but nevertheless it is a site located on the edge of an existing urban area. The land is not considered best and most versatile land and the prospects of mineral extraction are limited. The emerging plan carries limited weight in terms of other sites being considered more acceptable to the one proposed. At this stage, there are no 'in-principle' land use reasons why this site could not be supported for housing subject to addressing the following key considerations.

## 7.3 Key Consideration – Contribution to Housing Needs

7.3.1 The application is in outline form and therefore the precise details regarding the type and size of residential units are not fixed at this stage. The application has indicated that the scheme would deliver predominately 2, 3 and 4-bedroom units. The indicative plan shows the majority of the units to be large detached units (most probably 3-4 bed properties) with a mix of smaller units towards the south-eastern corner of the site. The Council's Meeting Housing Needs SPD specifies that the market housing needs for Carnforth are predominately semi-detached and attached 3-bedroom units and that for affordable units predominately 2- bedroom units.

- 7.3.2 DM DPD Policy DM41 requires proposals for new residential development to ensure land is used effectively (but taking account of characteristics of the local area); be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion, and; provides an appropriate dwelling mix to meet local needs. This would have to be addressed at the reserved matters stage, but ultimately, for a proposal of this scale a good mix of market housing would be required. This must include smaller units to ensure the proposal caters for a mix of different groups of the community.
- 7.3.3 The application proposes 64 affordable housing units (based on delivering 158 units) which is equivalent to 40% affordable housing on site. This accords with DM DPD Policy DM41 which seeks upto 40% affordable housing on greenfield sites. This would be secured by legal agreement and would require an affordable housing scheme comprising 50% intermediate housing and 50% social rented units to be agreed in accordance with planning policy. The Council's Strategic Housing Officer has indicated the affordable housing need for Carnforth predominately comprises small units, noting there is a clear need for 1-bedroom apartments or cottage-style houses. Any subsequent proposal that fails to provide a proportion of 1-bedroom units to rent would not be supported at the reserved matters stage; nor would the affordable housing scheme legal agreement be accepted.
- 7.3.4 Overall, as it stands it is the applicant's position is that the scheme can deliver 40% affordable housing and this can be secured by a Section 106 legal agreement. Subject to ensuring an appropriate mix of housing is delivered at the reserved matters stage (and via the legal agreement), the proposal will therefore make a positive contribution to the supply of market and affordable housing in the district and Carnforth in particular.
- 7.4 **Key Consideration - Highway Matters**
- 7.4.1 The application is supported by a Transport Assessment which provides information in respect of the local area and site characteristics, consideration of highway-related/sustainability policy, a description of the development and details of the highway-related impacts associated with the proposal, such as trip generation and capacity assessments. After various iterations (supporting information) this assessment has been considered and accepted by the local highway authority (Lancashire County Council).
- 7.4.2 The site is located between the A601(M) and Carnforth Brow, to the north-east of Carnforth beyond the built-up environment. The A601(M) connects to the A6 Scotland Road and to the B6254 Kellet Road via junction 35 of the M6 motorway. The A601(M) does not form part of the trunk road network and is not managed and maintained by Highways England. It is, however, subject to motorway regulations and therefore limited only to Class I and Class II vehicles. The A601(M) was transferred from the Secretary of State for Transport to Lancashire County Council in the mid 1980's under '*The Lancashire County Council (Carnforth Link) Special Road Scheme 1985*' and '*The Lancashire County Council (Carnforth Link) Transport of Highways and Alteration of Side Roads Orders 1985*'. For the avoidance of doubt, the A601(M) has 'Special Motorway Status' and is maintained and managed by Lancashire County Council.
- 7.4.3 Access to the site is currently taken off Carnforth Brow or via the adjacent residential estate to Brewer's Barn via North Road. As local residents have pointed out in their representations, North Road is a narrow highway impinged by unrestricted parking on either side of the carriageway for some of its length. For these reasons, it is accepted that North Road would not be capable of taking the traffic associated with the proposed residential scheme and so the applicant seeks to provide its main vehicular access off the A601(M). It was accepted under the earlier marina and hotel proposal, that in order to accommodate an access off the A601(M), its Special Status would need to be revoked. This was a requirement of the Highways Agency (now Highways England) and Lancashire County Council at the time, and was also accepted by the applicant. This remains a key requirement for the proposed scheme and its associated access. The revocation of the Special Status would need to be applied to both sides of the M6 including the motorway roundabout. There are no objections from the statutory consultees regarding the revocation of the Special Status and indeed assuming the associated costs are borne by the developer, there are no reasons why this could not be delivered within the 3 year timeframe of any planning consent. The applicant has set out the process for doing this which has not been disputed by the Highway Authority (paragraphs 2.17.3 of the submitted Transport Assessment).



- 7.4.5 The vehicular access itself is an at-grade, three-armed roundabout onto the A601(M), which is categorised as an A-road in terms of its hierarchy. The proposed roundabout has a 45m inscribed circle diameter with a 9m wide circulatory carriageway. The access into the site is designed as a 6.75m carriageway tapering to 5.5m along a 75m linking road into the site. The proposed roundabout has been subject to a Stage 1 Safety Audit. The principal recommendation from the Safety Audit is to remove the motorway regulations from a stretch of the A601(M) between the M6 junction 35 and the existing roundabout junction with the A6 Scotland Road. The Highway Authority (County Council) initially objected to the proposal on the basis of site sustainability and safety issues relating to the proposal access strategy. The applicant has now addressed the safety concerns. County Council confirm that the access onto the A601(M) is not typical for a residential development, in that it does not include any provision for pedestrians/cyclists. However, through negotiation and further analysis of the impacts of the proposal on the network, including the introduction of a 75m linking road to be a motorised gateway only (no private/public drives onto the linking road), the County Council are satisfied that the proposed vehicular access off the A601(M) is acceptable. In terms of the impacts of the proposal on the strategic highway network - given its proximity to junction 35 - Officers can confirm Highways England have raised no objection to the development. Overall, there are no technical reasons to resist the proposed vehicular access.
- 7.4.6 Considering that the proposed vehicular access has been designed to prohibit pedestrians/cyclists accessing and egressing the site from the proposed roundabout junction, the applicant has included proposals to demonstrate that the scheme suitably caters for pedestrians and cyclists, as required by national and local planning policy.
- 7.4.7 As part of the access strategy, the proposal provides for emergency access points onto Carnforth Brow and Whernside Grove with pedestrian and cycle links, together with connections to the canal towpath. In addition the scheme now includes proposals to improve the pedestrian environment along North Road, which currently lacks continuous footways and where there are footways these in part are sub-standard.
- 7.4.8 There has been significant concern expressed from the local community in respect of the emergency access points being misused or that in the event that the main access cannot be delivered, these emergency access points default to provide the vehicular access to the development. It is clear that this would not be an acceptable situation. For this reason, in the event of any approval, conditions would be imposed to ensure the roundabout access is provided *before* commencement of the development of the residential element of the scheme and that this access would be provided for the construction phases too. To ensure the emergency routes remained restricted to provide only pedestrian/cycle access (except in the case of emergencies), a scheme for the provision of bollards (or similar) to prohibit vehicle access together with maintenance and management would be required by condition.
- 7.4.9 Turning to pedestrian/cycle connectivity, the site is located somewhat removed from the town centre where access to public transport and local services/facilities is available. To try and mitigate against this, the proposal incorporates access to the canal towpath and upgrades to the surfacing between the site and Bridge 128 (Market Street). This clearly contributes to ensuring development is integrated within existing pedestrian and cycle networks, noting that it is also a recognised national Cycle Route. The Canal and Rivers Trust (CART) have no objections to the principle of the development provided these links are provided and a contribution is sought to secure the upgrades proposed. The CART have confirmed that the figure agreed as part of the marina application is acceptable. The CART have confirmed that failure to secure the contribution would result in an objection to the development due to the impact on the towpath, especially given this will provide the most direct route towards the school and town centre.
- 7.4.10 The proposed emergency access and pedestrian/cycle link to Whernside Grove will be taken via the existing drive of Brewers Barn. The precise details of this will be conditioned, however, officers are satisfied that this route can be achieved. The link onto Carnforth Brow involves alterations to the highway and the incorporation of footway to connect to the existing footway to the west side of Browfoot Close. The proposal then includes an outline scheme for various off-site highway works to secure improvements to the existing footways and the provision of new footways where none are at present. The delivery of this scheme provides improved pedestrian provision and traffic calming along North Road to encourage and support pedestrian movements between the site and the town centre. This accords with the principle of DM DPD policies DM20 and DM21.

- 7.4.11 There is some strong local opposition to these proposals, both in terms of safety and the inconvenience, may reduce the ability to park on-street in certain locations. However where the proposal limits on-street parking, most properties adjacent benefit from private drives. The proposed scheme demonstrates that in most places the carriageway will remain 5m wide and will be capable of two-way traffic (subject to on-street parking). The proposals do result in a pinch point adjacent to 114 North Road where give-way measures to oncoming traffic are proposed. Concerns have been raised regarding forward visibility and the safety of the proposed pedestrian improvements. The County Council have raised no objections to the proposed pedestrian improvements and have indicated that the details provided on the submitted drawings are sufficient to establish the principles of the proposal. The precise detail would be subject to detailed design and safety audits. The County Council also recognise that the changes will inevitably have some influence on the public highway parking but overall reducing the historic weakness of the corridor by providing pedestrian provision is of value. The level of disruption to the existing parking habits has been carefully considered and minimised in the design of the proposals and will further be considered at the detailed design stage, but not at the expense of satisfying its purpose.
- 7.4.12 Notwithstanding the above mitigation measures to improve accessibility between the site and key services/amenities, due to the site location it is likely that there will be a reliance on the private car and that this is a weakness of the scheme (as noted earlier under our 'in-principle' considerations).
- 7.4.13 Whilst there are some concerns regarding the distance between the site and local services/amenities and the fact that the vehicular access is divorced from the existing built environment, the proposed access strategy and the proposed level of mitigation to enhance pedestrian/cycle opportunities from the site towards the town centre and school (via the existing built environment), enables Officers to conclude that, on balance, the proposal is acceptable. The County Council maintain concerns over the locational sustainability of the site, but accept that this is only one aspect of the broader context of sustainability. Following lengthy negotiations, it is contended that the amended proposals for the access strategy and the proposed mitigation provide safe and suitable access to the site and that the cumulative impacts of the proposal would not be severe (Paragraph 32, NPPF). There are no highway safety objections from the statutory consultees (County Council and Highways England) and on this basis, there would be no technical highway grounds to resist the proposal.
- 7.5 **Key Consideration - Biodiversity Implications**
- 7.5.1 The application site sits immediately adjacent to the Lancaster Canal Biological Heritage Site (BHS) and comprises open agricultural land dissected by hedgerows and water features and contains some mature trees. Whilst the application is submitted in outline (with layout, scale, appearance and landscaping reserved at this stage) biodiversity cannot be treated as a "reserved matter" and should be considered fully at this outline stage, in order to determine whether the principle of the development is acceptable or not. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature [paragraph 9], and it is a core planning principle [paragraph 17] that development should contribute to conserving and enhancing the natural environment. In addition to the NPPF, there is a statutory duty for planning to seek to minimise impacts on biodiversity. Therefore, it is an integral part of policy and decision making, in particular regarding protected species and protected habitats, where the presence of either is a material planning consideration.
- 7.5.2 The application has been submitted with an ecological appraisal of the site which has been considered and assessed by Natural England and our appointed consultants (GMEU). Natural England have confirmed that the redevelopment of the site if undertaken in accordance with the details submitted, is not likely to have a significant effect on the interest features for which Morecambe Bay SPA, SAC and Ramsar has been classified and on this basis, do not advise the local planning authority that an Appropriate Assessment under the Habitat Regulation's is required. Natural England also advise that the redevelopment of the site would not adversely affect the nearby SSSI's (Morecambe Bay and Thwaite House Moss both just under 2km from the site).
- 7.5.3 Turning to the impacts of the proposal on protected species of wildlife and biodiversity in general, our consultants have accepted that the surveys remain relevant and that the level of survey effort undertaken is acceptable. The proposal includes indicative pedestrian links to the canal towpath but no direct alterations to the canal itself. In terms of the impacts on the canal, it is essential that external lighting is minimal (to avoid overspill of light) and best practice construction methods are employed to prevent pollution. With regards to protected species, bats are active at this site mainly commuting in and out of the site for foraging. There was no evidence at the time of the surveys that

bats were roosting in any of the mature trees on site. As landscaping is not applied for at this stage, any subsequent loss of trees proposed under a reserved matters application, may have a potential impact on protected bats if bats are later found to be roosting in any of the existing trees. Precautionary mitigation and method statements would be required in these circumstances. In terms of bat activity, the number and types of bats using the site is not exceptional, but nevertheless, they are protected. The main features of the site used by bats for feeding and commuting are the hedgerows, watercourses, trees, and the Canal. Through a subsequent reserved matters application, these features are capable of being retained, albeit with amendments to the suggested layout. The indicative plan does include the provision of a wildlife corridor running from the southern boundary to the centre of the site and then following the line of the watercourse to the northern boundary. This green corridor is something Officers consider as essential at the reserved matters stage. GMEU have confirmed that the proposal would not have a substantive detrimental impact on protected bats species (or other species) and make several recommendations in relation to ecology mitigation and biodiversity enhancements (see Paragraph 4.1). A condition should be imposed requiring the development to be carried out in accordance with the recommendations in the submitted ecology appraisal. This will inevitably inform any subsequent reserved matters application in terms of the amount of development (number of dwellings), site layout and landscaping. With the imposition of a condition to ensure the development protects and enhances biodiversity (as set out above) the proposal sufficiently accords with the requirements national and local planning policy.

### 7.6 **Key Consideration - Flood Risk**

7.6.1 The indicative site plan and the supporting Flood Risk Assessment indicates that all the built development (dwellings) would be located in flood zone 1 which is consistent with the sequential approach to locating development in the areas least likely to be at risk from flooding. As the proposal is in outline form, it is considered reasonable and necessary to impose a planning condition to ensure that all new houses must be situated in flood zone 1. The Environment Agency endorse this. The development of the site will increase the area of impermeable surfaces and will alter the surface water runoff regimen of the site and therefore could potentially impact flood risk on site and elsewhere in the catchment. The application proposes that the new surface water drainage will adopt sustainable drainage principles, with surface water attenuated to the greenfield runoff rate. Attenuation is most likely to be in the form of underground storage with some allowance for infiltration. The surface water would then be discharged to the existing watercourse at a controlled rate. Despite concerns to the contrary, it is possible that an appropriate Sustainable Drainage Systems (SuDS) can ensure flooding is not a risk on or off site. It is considered reasonable and necessary to ensure suitably-worded conditions are imposed requiring a detailed surface water drainage scheme to be submitted and agreed in consultation with the Environment Agency and the Lead Local Flood Authority (LLFA). A condition will also be required to ensure there is appropriate maintenance and management of the proposed drainage system. There are no objections to the principle of developing the site from the relevant statutory consultees.

7.6.2 The LLFA have however indicated that the surface water drainage scheme should be provided with the reserved matters application. This is not strictly possible, as drainage is not a technically a 'reserved matter', though it clearly will dictate the quantum of development and the site layout. The information submitted together with the indicative layout plan, provides sufficient reassurances that the site is capable of being developed and that there will be sufficient space to accommodate attenuation of surface water. It is not uncommon for SuDS to form part of multi-functional space (amenity space/wildlife corridors) within a development or for attenuation to be catered for by underground tanks under landscaped areas/parking areas and/or un-adopted roads. This site offers such potential and so it will be feasible. Ultimately, whilst the drainage details will only be required by condition on the outline, the developer/applicant of the site will need to demonstrate that any subsequent scheme under a reserved matters application (number of dwellings and layout) can be achieved with an implementable drainage proposal that would satisfy the requirements of the outline condition. Despite local opposition on flood risk grounds, overall there are no grounds to refuse planning permission on the risk of increased flood risk and/or inadequate drainage.

### 7.7 **Key Consideration - Infrastructure Consideration**

7.7.1 In accordance with the NPPF (paragraph 194) the local planning authority has consulted with the appropriate statutory consultees in relation to nearby hazards and infrastructure, in particular the high pressure gas pipeline that runs through the site. National Grid Gas Distribution (NGGD) is responsible for the gas pipeline and they advised that the pipeline is laid in a legally negotiated easement to which certain conditions apply and it is therefore essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions

within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. NGGD advised that it is the responsibility of the developer to contact National Grid to seek their consent for works within or adjacent to the pipeline and that the Build Proximity Distance (BPD) for the pipeline is 8 metres (this is 8m in either direction from the centre line of the pipe line).

- 7.7.2 In response, the applicant made it clear that he benefited from a separate legal "lift and shift" clause within the deeds of the land in relation to this pipeline. This is clearly a separate private matter, but for the purposes of assessing the scheme the issue of pipeline retention or relocation elsewhere on the site does affect the number of dwellings capable of being provided and the overall layout (both 'reserved matters'). NGGD later objected to the proposal on the basis that the initial indicative site plan proposed 20+ dwellings within the easement. In addition to consultation with NGGD, the Health and Safety Executive (HSE) were consulted. Their initial response 'Advised Against' the granting of planning permission based on the design and location of the access crossing the pipeline (not the dwellings on the land adjacent to the pipeline).
- 7.7.3 Officers have been in lengthy discussions with the applicant, the HSE and NGGD for some time dealing with this matter. The access has been the fundamental area of concern. Before accepting the principle of the access over the pipeline, NGGD required the applicant to evidence that the proposed traffic flows over the pipeline would not be so high that it would constitute a 'high density traffic route' (defined as a motorway or all roads carrying a volume of traffic totally in both directions, 2000 vehicles per hour and above, for periods of at least 10 hours per week). The 10 hours may be spread evenly over the week or may be concentrated into set periods. On dual carriageway roads, which carry less than this number, consideration needs to be given to future growth). The applicant has evidenced the traffic flows factoring in future growth would fall under the definition of a 'high density traffic route', which has been accepted by NGGD. In the circumstances NGGD has indicated that impact protection can be installed to mitigate the impacts of the development (the access over the pipeline). The outcome has also now resulted in the HSE no longer 'Advising Against' the grant of planning permission on safety grounds on the basis that NGGD accept that impact protection mitigation over the pipeline to allow for the access is a feasible option (as per the advice for the Marina application).
- 7.7.4 NGGD have not confirmed the repositioning of the pipeline as shown on the amended (second) indicative plan and have indicated that this cannot be confirmed until detailed feasibility studies have been undertaken. Such negotiations would be between the applicant and NGGD outside of the planning arena. NGGD no longer object to the proposal but provide several safety considerations, drawing attention to relevant health and safety working practices and measures to take account of for developing close to (and crossing) the pipeline and its easement. Ultimately, any works within the easement and/or over the pipeline need separate permission from NGGD. NGGD have also recently provided further comments indicating that the land allocated on the indicative layout plan (easement area) would not be sufficient or appropriate to accommodate a realigned high pressure main together with necessary ancillary safety protection areas and easement rights.
- 7.7.5 The fundamental issue is, and will remain, whether 158 dwellings can be accommodated on the site with the pipeline retained or even relocated. In response to these concerns, the applicant amended the scheme to read 'the erection of upto 158 dwellinghouses', thus acknowledging some of the site constraints could limit the number of dwellings capable of being accommodated. Officers have maintained a position that the site is unlikely to be able to accommodate the maximum number of units proposed (158) given the position of the pipeline and its associated easements if it was retained. However, with the "up to 158" set out in the development description it would be possible to deal with the reduction in numbers through the reserved matters application. Such a reduction will ultimately depend on the eventual housing mix and density.
- 7.7.6 The development is also shown to be adjacent to or affect Electricity North West (ENW) operational land or electricity distribution assets (power lines and pylons). ENW advise that where the development is adjacent to operational land the applicant must ensure that the development does not encroach over the land or any ancillary rights of access or cable easements, and if planning permission is granted the applicant should contact ENW. It is for the developer to seek the appropriate consents to carry out works within or adjacent to this infrastructure. ENW acknowledge the applicant proposes to divert the equipment and does not object but advises them to liaise with the appropriate estates and wayleaves department. The applicant has also presented legal documentation like the 'lift and shift' clause associated with the pipeline. Whilst such documentation

is a separate private matter, to understand whether the development can accommodate 158 dwellings, Officers pursued discussions with ENW about this matter. The advice indicated that ENW would want to work with the developer (and we understand discussions have taken place) to find a mutually-acceptable solution and that if the overhead lines were retained (ENW's preference), ENW would not object to them over the development provided safety clearances were maintained. Since the applicant has been amended to relate to the erection of "up to" 158 dwellinghouses, if after discussions with ENW the applicant or future developer finds the overhead lines and pylon must be retained, the layout of the development would need to be revised most probably resulting in a significant reduction in the number of units possible on the site. It is contended that the presence of this equipment on site would not prohibit residential development in land use planning terms, albeit it may be more challenging for a developer to make their scheme attractive to future purchasers. The purpose of planning is to establish land use principles and not duplicate other regulatory regimes and so it is contended that whether the pylon and overhead lines are retained or diverted, a residential scheme is capable of being accommodated on this site even if the numbers are reduced and the layout revised to account for safety clearances at the reserved matters stage.

- 7.7.7 With regards to foul drainage, the application has been accompanied by a drainage strategy which indicates that foul water is intended to drain to the public sewer. The strategy does highlight that United Utilities' preference is for the foul to connect to the sewer on North Road, however, the point of discharge of some distance from the site. There is a foul pumping station located adjacent to the development site on Wherside Grove where it may be possible to connect. If this is not feasible, then there may be a requirement for a pumping station on the site to pump to North Road. United Utilities have raised no objection. Nor have they stipulated details or preferences for where the foul sewerage should discharge other than to the public sewer and separate from the surface water from the site. It is reasonable to deal with this matter by condition (requiring a detail of the foul drainage scheme) and through any subsequent reserved matters application.
- 7.7.8 Construction work near the canal has the potential to adversely affect the structural integrity of the canal and the canal cutting. Land stability and the consideration of the suitability of development about ground conditions are material planning considerations as set out in paragraphs 120–121 of the NPPF and is the subject of more detailed discussion in the National Planning Practice Guidance (PPG). The CART has indicated that to ensure the proposal does not affect the structural integrity of the canal it is essential that a condition is imposed requiring no construction to take place within 10m of the toe of the embankment until details of the foundations have been provided and agreed. The imposition of this condition is considered reasonable and necessary as any failure of the canal could have significant impacts on the development itself but also residents of Wherside Grove. The CART also recognises that landscaping can implicate the structural integrity of the embankment too and so request conditions in relation to landscaping. Such conditions cannot be imposed at this stage as landscaping a reserved matter. The comments from the CART should however inform an appropriate landscaping scheme at the reserved matters stage.
- 7.7.9 There have been concerns that the development will place undue pressure on the local schools. In response, the County Education Authority have assessed the proposal and at the time of their assessment considered there to be no shortfall (and thus no contribution requested) for new places in primary schools. They have indicated that there *would* be an impact on secondary school places and they seek a contribution to the sum of £121,821.54, which is equivalent to 6 secondary school places (this has been reduced from 18 places on a recent re-assessment). The applicant has agreed to provide this contribution as part of the s106 agreement. As it is an outline application, this agreed figure could vary and so the legal agreement would enable the assessment to be re-run at the reserved matters stage when the number of units and unit sizes are determined.
- 7.7.9 In addition to the above, future development also places pressure on public open space provision and so development should ensure suitable provision is provided within a development of this scale. Where there are deficiencies mitigation should be provided either by providing additional on-site provision or by financial contributions to improve and/or enhance existing provision locally.
- 7.7.10 Based on a scheme for 158 dwelling units the development site should provide 3142m<sup>2</sup> of amenity green space, an equipped play area and young people's play provision. Should a reserved matters application come forward with less than 150 units, the provision of on-site young people's play would be omitted. The proposal would also generate off-site contributions towards outdoor sports facilities and parks and gardens based on the council's Open Space Planning Advisory Note. This is reflected in the Public Realm Officers comments, with the exception that there is preference to

secure a junior football pitch (outdoor sports) on site. In this regard, Officers consider this unreasonable on the basis that the development does not trigger the threshold for on-site outdoor sports facilities and furthermore, such provision could exacerbate traffic along North Road which is clearly a local concern. On this basis, an off-site contribution is considered suitable and reasonable and the applicant is willing to secure this through their s106 agreement. With regards to a contribution towards parks and gardens, there is little evidence of where such a contribution could be secured within the town. The Public Realm Officer has indicated a contribution towards Happy Mount Park, however this is some distance from the site and that would not meet the tests set out in Paragraph 204 of the NPPF.

### 7.8 **Key Consideration – Landscape, Design and Amenity Considerations**

7.8.1 Good design is a key aspect of sustainable development and is indivisible from good planning. Good design is about place making and ensuring new development suitably integrates with the existing natural, built and historic environment. It is about ensuring proposals respond to local character and reflect local surroundings; that they are safe and accessible; visually attractive; take account of the different roles and character of different areas whilst recognises the intrinsic character of the countryside and seeking a good standard of amenity for all.

7.8.2 The application has been supported by a Landscape and Visual Impact Assessment (LVIA) which has assessed the implications of the development on the local landscape having regard to the Arnside and Silverdale AONB, located less than 1km from the site. This LVIA contends that the introduction of residential development into the landscape should not be driven by the assumption that it should be screened from the view. Ultimately the principle is to ensure it is suitably integrated with the natural environment to prevent an adverse visual landscape impacts. This assessment has been supported by indicative landscape proposals to illustrate how the development could be integrated into the landscape through the retention of existing hedgerows, new landscaping and tree planting and open space (all reserved matters). The LVIA concludes that the overall significance of the impact of the development on the landscape character and visual impact would be 'minor adverse' in that it would erode the field pattern and increase urbanisation. In terms of impacts from the towpath, the LVIA suggests negligible overall significance – though this has been disputed by the CART, and from the AONB also negligible given how the proposal will sit within the urban context of the built-up area of Carnforth.

7.8.3 DM DPD Policy DM28 states that the outside protected landscapes the Council will support development which is in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, design, materials, external materials and landscaping (most reserved matters). The proposal will inevitably have a localised landscape and visual impact as a consequence of the loss of the pasture land, which currently provides a pleasant green lung between with existing development to the west and the A601(M). However, in a wider context, the landscape surrounding the site has already accommodated significant change and urbanisation. Despite being a large field in itself it does not form part of a wider open and rural landscape – it is bound by strong linear features which provide a natural edge to the urban fabric of the town, namely the A601(M) and the canal. For this reason, the proposed expansion of the urban area up to these linear features would not lead to significant adverse impacts and would not significantly harm the views from or across the nearby AONB on the basis the site would naturally form part of the existing built environment and would be viewed in this context. Subject to the reserved matters application securing appropriate landscaping and open space to ensure the development integrates with its surrounding, in particular the canal, there are no landscape grounds to resist this outline application.

7.8.4 In terms of design, despite some weaknesses in respect of the vehicular access being disconnected to the existing built environment, the proposed site sits alongside existing residential development and is bound to the east and south and to a lesser extent to the north by strong linear features (A601(M), Carnforth Brow and the Canal), which form natural boundaries to the urban fabric of the town. In this regard the site offers a natural extension of the settlement. The proposal provides several pedestrian/cycle connections to the existing built environment to ensure it is suitably integrated with it. The indicative site plan, which assumes the gas pipeline and pylon and overhead lines are diverted within the site, shows the smaller units and the greatest densities of dwellings along the boundary with the A601(M) and lower densities within the northern and southern parts of the site. Large areas in the centre are not developable and should be retained as open space (as illustrated). This relates to areas identified a flood zones 2/3 and because of the presence of the watercourse running through the site and associated easements.

- 7.8.5 There are some good design features illustrated on the submitted indicative layout plan that should be pursued at the reserved matters stage (in the event of an approval). This includes the retention of the open watercourse with open space and landscaping around it to provide a strong wildlife corridor (this will also form a key component of the ecological mitigation and enhancement for the site). This also offers opportunities to mitigate for hedgerow/tree loss within the site. The application suggests the scale (whist a reserved matter) would be predominately 2-storey which for most the site would be acceptable, though the incorporation of some bungalows would be encouraged to provide a good overall housing mix. Given the scale of surrounding development and the sensitivity of the site when viewed from the canal towpath, it is unlikely dwellings more than two storeys (with some attic accommodation) would be acceptable at the reserved matters stage.
- 7.8.6 There are also elements of the design and layout on the indicative plan that cause concern, notably: the provision of buildings and gardens within the pipeline easement, which incidentally has been considered inadequate by NGGD; close proximity of development to the A601(M) and noise impacts; the layout of properties around the required 75m linking road (which as part of the access arrangements requires no private/public drives accessed off it); the layout and position of properties in the northern section of the site where the topography varies markedly resulting in potential concerns over finished floor levels and practical garden areas (both in terms of landscape and amenity considerations); the internal road layout and its relationship with the canal (CART comments); and the close position of dwellings to existing property along Browfoot Close and Whernside. These matters are, however, capable of being overcome at the reserved matters stage to ensure an acceptable design and layout is achievable and that residential amenity (both future and existing residents) is protected. This could result in a reduction to the number of units, but ultimately this depends on the eventual housing mix and density and whether the infrastructure (pipeline and overhead lines) are retained or diverted.
- 7.8.7 In terms of the noise impacts associated with developing close to the A601(M) and the motorway, the application has been supported by an acoustic assessment which concludes a 2m high acoustic barrier on a 1m earth mound along the boundary with the A601(M) would be sufficient to provide the proposed dwellings from the noise generated by the passing traffic. To further ensure a suitable acoustic environment during the night-time, additional fabric-first acoustic mitigation would be required (enhancing glazing specifications and ventilation). Environmental Health initially objected to the development on the grounds that the assessment was considered inadequate (due to concerns associated with the monitoring location and methodology for assessing noise impact) but have indicated these issues are not insurmountable and such impacts can be mitigated. Following negotiations between the applicant and Environmental Health it has been accepted that this could be dealt with through the imposition of a condition requiring a full acoustic assessment to inform appropriate mitigation at the reserved matters stage. Officers accept this approach but cannot require the details to be provided at the reserved matters stage. Alternatively, a condition is proposed requiring an assessment of likely noise impacts, to inform mitigation (to be agreed before commencement of development) and for the mitigation to be implemented before occupation. Ultimately such an assessment will be required to inform the layout and landscaping at the reserved matters stage. Any prospective development will need to ensure that at the reserved matters stage, they can comply with the requirements of the noise condition imposed on any outline consent.
- 7.9 **Planning Balance & Deliverability**
- 7.9.1 Sustainable development is about ensuring the environmental, social and economic dimensions of sustainable development are mutually dependant. In this case, there are concerns in relation to the locational sustainability of the site (i.e. that the site is beyond the maximum recommended walking distances to the town centre and most local services/facilities, including public transport, and that as a consequence there would be a reliance on the private car). There are localised landscape impacts as a consequence of the development and some tree and hedgerow loss, though this does not have significant adverse impacts. To address these concerns the applicant has provided some mitigation and has sort to provide enhanced pedestrian/cycle connections towards the town through a combination of off-site highway works and s106 contributions. With regards to the landscape impacts, it is contended that the impacts would not be significant in the context of the wider landscape character or the impacts on the AONB, and that through good design these issues are capable of being addressed at the reserved matters stage.
- 7.9.2 In terms of the proposal itself, it seeks to deliver up to 158 houses with 40% affordable housing and therefore would positively contribute to the districts housing supply, particularly given the current

lack of a 5 year housing land supply. To ensure the environment, services and infrastructure can accommodate the impacts of expansion, the applicant seeks to mitigate some of the impacts through the provision of on-site open space, sustainable drainage and off-site open space, canal towpath improvements and education contributions, together with contributions towards Travel Plan implementation and public rights of way improvements. As noted above, there are also significant proposals to North Road to improve pedestrian accessibility and traffic calming.

7.9.3 Whilst there is an argument that the site is not ideally located, on balance it is contended that the adverse impacts associated with the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.9.4 However, Officers have been mindful of the viability of the scheme and its deliverability given the costs associated with developing the site and the scale of obligations and policy requirements sought. The NPPF makes it clear that pursuing sustainable development requires careful attention to viability and costs in both plan-making and decision-taking (paragraph 173). The NPPG states that *'decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of obligations and other costs, a viability assessment may be required'*. The applicant has maintained the proposal is deliverable (and has a housing developer interested in the site) with the scale of obligations required and other costs necessary to make the development acceptable.

7.9.5 Whilst not wishing to delay potential housing opportunities within the district, Officers have questioned the deliverability of the proposal and sought a viability appraisal for the site. It is acknowledged that assessing viability at the outline stage is difficult as there are many variables that could change, most notably (in this case) whether the pipeline and overhead lines remain or are diverted. However it has still been considered prudent to test the deliverability of the development proposed to ensure that this recommendation highlights a realistic expectation of what can be achieved on the site, in terms of the scale of obligations.

7.9.6 The applicant's viability appraisal was initially considered by Officers and, as a further tier of review, it was agreed that the applicant's appraisal should be independently assessed. The local planning authority appointed an external consultant to review the appraisal to test whether the scheme is deliverable with the current scale of obligations and other costs. Unsurprisingly, based on some of the applicant's assumption, the consultant review concludes that the proposal with the 40% affordable housing (and the other contributions/costs) is not a viable proposition. Negotiations will be ongoing in this regard and a verbal update will be provided, but realistically Members need to be mindful that the proposal may not be deliverable unless the local planning authority is flexible in seeking planning obligations (as it is required to be, by national planning policy). That said, it is important to note that the NPPF is clear that where safeguards are necessary to make development acceptable in planning terms, and these safeguards cannot be secured, planning permission should *not be granted*. At this stage, Officers anticipate that there will be further negotiations to reach a compromised position in relation to the scale of obligations. Members are advised that this could have implications in terms of the provision of affordable housing in particular and if this was the case that this would have to be considered in the overall planning balance. It is reasonable to assume therefore, that a number of variables that could change which could implicate development viability, not least the number of units and the density of the development that would be determined at the reserved matters stage. This is the case for most outline proposals and is one to be factored into the decision-making process.

7.9.7 It is anticipated that through negotiation there should still be a deliverable scheme on this site, albeit potentially less attractive than the one currently presented. A verbal update will be provided which will update Members on the agreed scale of obligations. Notwithstanding this, provided the works/costs that are regarded necessary to make the development acceptable and policy requirements are sufficiently met, the presumption in favour of sustainable development still applies.

## **8.0 Planning Obligations**

8.1 Subject to ongoing viability negotiations, the following contributions and requirements should form part of the decision and should be secured by s106 legal agreement:

- Provision of up to 40% Affordable Housing based on 50% intermediate and 50% social rented;



- An education contribution to be calculated at the reserved matters stage (currently £121,821.54) as it is based on bedroom numbers which are not known at the outline stage, and provided in accordance with the terms of the agreement;
- Travel Plan contribution;
- Provision of on-site amenity green space and equipped play area (detail and the exact area to be determined at the reserved matters stage);
- Provision or contribution towards Young Peoples Play to be determined at the reserved matters stage (dependent on the unit numbers) and then provided in accordance with the terms of the agreement;
- Off-site POS contributions towards outdoor sports provision and parks and gardens be calculated at the reserved matters stage and the provided in terms of the agreement; and,
- Maintenance and management of all open space, landscaped areas, any un-adopted roads and SuDS;

A verbal update will be provided.

### **9.0 Conclusions**

- 9.1 This application has been subject to some complicated, technical constraints including the existence of on-site infrastructure and the positioning of the proposed site access off an existing A-road with motorway status.
- 9.2 The local community have raised some justifiable concerns arising from the proposed development. Some of these relate to access, traffic and parking problems along North Road. The proposed access strategy is not a typical solution for residential development, primarily because the principle access is disconnected from the existing built environment. But through long negotiations with the Highway Authority the fundamental highway safety aspects of the proposal have been satisfied. Pedestrian and cycle accessibility improvements form a key part of the proposal and are considered necessary to deliver an integrated scheme that will mitigate against the sites slightly removed position from the town centre (despite being on the edge of the urban area).
- 9.3 Consideration of the impacts on biodiversity, landscape, flood risk, air quality and impacts on existing infrastructure such as open space and education have been sufficiently resolved provided conditions and/or obligations are imposed to ensure the impacts of the development are accommodated.
- 9.4 Concerns in relation to the impact of the proposal on neighbouring residential amenity are matters that can be secured at the reserved matters stage and from this assessment it is clear the indicative proposal would not be an acceptable scheme.
- 9.5 Which brings us to the final point, the scheme provides an opportunity to deliver up to 158 dwelling units. Any subsequent reserved matters application would need to address a number of issues, including delivering a better mix of housing types/sizes to demonstrate the scheme meets the local housing needs (including affordable homes). It appears that the prospects of 40% affordable housing alongside other constraints is rather fanciful. However failure to secure 40% does not in itself make a development proposal unacceptable. Development Plan policy requires *up to* 40% on greenfield sites and does indicate that fewer units would be acceptable, for example where there is compelling and detailed evidence demonstrating that affordable housing has a negative impact on viability. This approach is in line with national policy and guidance. Subsequently, whilst there are ongoing negotiations in respect of development viability, in light of the fact that the Council cannot demonstrate a five-year housing land supply, the benefits of this proposal (delivery of housing) should be weighted heavily in the overall planning balance and the decision-making process. Subject to the outcome of the outstanding viability matters, the recommendation is to support the proposal.

### **Recommendation**

Subject to the outcome of the outstanding viability negotiations, that Outline Planning Permission **BE GRANTED** subject to a legal agreement securing the items noted in section 8 of this report and the following conditions:

1. Standard Time Limit (approval of reserved matters);

2. Approved Plans (location plan and access drawings);
3. Site plan indicative only;

### **Pre-commencement:**

4. No development to commence until the A601(M) has its Special Status has been revoked and necessary associated works implemented;
5. Full access details to be submitted and approved and provided before commencement of the development (with some phasing to allow works to the proposed emergency access points where necessary);
6. Full details of the emergency access points to Carnforth Brow and Whernside Grove including details of the measures to prohibit vehicular access and ongoing management/maintenance to be agreed and implemented before occupation and thereafter;
7. Full details of the pedestrian/cycle connections Whernside Grove, Carnforth Brow and the canal towpaths to be agreed and implemented before occupation;
8. Traffic and Construction Management Phasing Plan to be provided and implemented;
9. Surface water drainage scheme to be agreed and implemented;
10. Foul drainage scheme to be agreed and implemented;
11. Contaminated Land (Site Investigation);
12. Assessment of noise impacts and mitigation to be submitted and agreed and mitigation implemented before occupation;

### **Pre-construction of dwellings:**

13. Details of on-site POS and equipped play provision;
14. Details of external lighting

### **Pre-occupation:**

15. Submission of full Travel Plan;
16. Maintenance and management of Surface water drainage scheme;
17. Traffic calming and improved footway provision along North Road to be provided in full before occupation, or an alternative agreed programme of implementation.

### **Control conditions:**

18. Protection of Visibility splays;
19. Development to be carried out in accordance with the Air Quality mitigation plan;
20. Development to be carried out in accordance with AIA;
21. Development to be carried out in accordance with recommendations set out in the ecological appraisal;
22. Development to be carried out in accordance with the FRA;
23. No dwellinghouses to be located in floodzone 2 and 3;
24. Site to drainage on separate systems;
25. Importation of soil (contaminated land condition);
26. No construction shall take place within 10m of the toe of the canal embankment until details of the foundations have first been submitted to and agreed;
27. Garage Use condition;
28. Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2).

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None

<p><b>Agenda Item</b></p> <p>A6</p>	<p><b>Committee Date</b></p> <p>6 March 2017</p>	<p><b>Application Number</b></p> <p>16/01572/OUT</p>
<p><b>Application Site</b></p> <p>Land Adjacent To Church Bank And Greenways Over Kellet Lancashire</p>	<p><b>Proposal</b></p> <p>Outline application for the erection of 15 dwellings and creation of a new access</p>	
<p><b>Name of Applicant</b></p> <p>The Late James Cottam (Senior) Will</p>	<p><b>Name of Agent</b></p> <p>Mr Matthew Atkinson</p>	
<p><b>Decision Target Date</b></p> <p>17 March 2017</p>	<p><b>Reason For Delay</b></p> <p>Not applicable</p>	
<p><b>Case Officer</b></p>	<p>Mr Mark Potts</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval (subject to the applicant entering into a legal agreement)</p>	

**(i) Procedural Note**

A site visit was arranged for Committee Members to view this particular site prior to the Committee meeting. This was undertaken on 30<sup>th</sup> January 2017.

**1.0 The Site and its Surroundings**

- 1.1 The proposed development is located to the south of the village of Over-Kellet, with the site accessed off Greenways. The application site comprises pastureland that is grazed by cattle, and amounts to a site area of approximately 0.75 hectares. There are no buildings within the site, but the site is bound by hedgerows to the north west, to the north lies properties on Greenways and a mature pond, to the east the land rises steeply and contains a combination of Crags and Woodland. The site rises gradually from the west towards to the east, however the highest part of the site is within the south west corner of the site at approximately 86.5 metres Above Ordnance Datum (AOD). To the south lies agricultural land.
- 1.2 To the north-west of the site lies properties on Church Bank, with their rear gardens abutting the application sites boundary, to the north is Greenways which is a residential road with a mix of semi-detached and detached properties. To the east the land steeply rises with trees along its ridge with limestone pavement and crags being evident, and to the south lies agricultural land.
- 1.3 The site is not within a protected landscape. The site does lie adjacent to Over Kellet Pond which is a Biological Heritage Site (BHS) and the Kirk House Crags (to the east of the site) do benefit from being a Regionally Important Geological Site (RIGS) and also a Biological Heritage Site. The Kirk House Crags also benefit from a Limestone Pavement Order (LPO). The nearest SSSI is Morecambe Bay around 4.5km to the west (which is also RAMSAR, SPA and SAC protected). Footpath 12 passes the north-western fringe of the application site and Footpath 13 is located 50 metres to the south of the proposal. St Cuthbert's Church which is Grade II\* listed is located 180 metres to the south west of the site, with Kirkhouse (Grade II Listed) being located circa 140 metres to the south of the site. The majority of the site is included within a Mineral Safeguard Zone (Limestone). There are trees that are covered by Tree Preservation Orders on the boundaries of the application site in the form of TPO 391 (206), which relates to trees located at the rear of 14,13 and

12 Church Bank. To the east of the site lies Tree Preservation Order's 134 and 139 (1988) which relate to the trees located at Kirk House Crag Over-Kellet.

**2.0 The Proposal**

2.1 The proposal seeks outline planning permission for the erection of 15 dwellings with an associated access off Greenways. The scheme also incorporates proposed improvements to the existing Public Right of Way (Footpath 12) that leads to Church Bank.

2.2 The applicant has submitted an indicative layout (to illustrate how the site could be developed) which consists of the provision of 15 dwellings based on the below;

- 2 x one bedroom dwelling,
- 4 x two bedroom dwelling,
- 5 x three bedroom dwelling,
- 3 x four bedroom dwelling,
- 1 x five bedroom dwelling.

All these units are proposed to be two storey in height. There is an existing footway on the north western corner of the site currently in the region of 1m in width, however this is proposed to be increased to 2m in width for a distance of 27m. Open Space and also a wildlife buffer zone are all included on the indicative layout. Boundary treatments are to consist of stone walls and hedgerows.

**3.0 Site History**

3.1 A very similar planning application was submitted in 2016 under application reference 16/00934/OUT for 15 units however was withdrawn given officer concerns on ecology.

**4.0 Consultation Responses**

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

Consultee	Response
<b>Over Kellet Parish Council</b>	<b>Objection</b> to the development, predominantly on the grounds of sensitivity of the location; Inadequate foul and surface water drainage; Access and Road Safety; Environmental Considerations (Great Crested Newts); Lack of amenities within the village; No employment within Over Kellet; Loss of Agricultural Land; No housing need has been evidenced by the applicant and no perceived demand; Detrimental impact onto properties on Church Bank; and Loss of Tourism to Over-Kellet.
<b>Greater Manchester Ecology Unit</b>	<b>No objection</b> (although there are significant nature conservation concerns with the development). Conditions should be attached to any consent that deal with newts and their habitats, a Habitat Management Plan for the adjacent Biological Heritage Site and surface and foul water drainage conditions.
<b>Natural England</b>	<b>No objection.</b>
<b>Public Realm Officer</b>	<b>No objection</b> , recommends 258m <sup>2</sup> of amenity space on the site together with a financial contribution of £37,138 towards off space play.
<b>Tree Protection Officer</b>	<b>No objection</b> , subject to conditions relating to the development being carried out in accordance with the Assessment, provision for a Arboricultural Method Statement and Tree Protection Plan.
<b>RSPB</b>	No observations received within the statutory timescales.
<b>County Highways</b>	<b>No objection</b> , subject to conditions relating to the main access being constructed to at least base course level and a condition relating to off-site highway improvements.
<b>Public Rights of Way Officer</b>	<b>No objection</b> , however the footpath to Church Bank should be tarmac surfaced to improve the walking surface for pedestrians and be a minimum of 2 metres in width.
<b>Ramblers Association</b>	No observations received within the statutory timescales.
<b>Strategic Housing Officer</b>	No observations received within the statutory timescales.

<b>Local Plans Team</b>	<b>No objection</b> - development in principle is acceptable as Over Kellet is listed as a sustainable village, however the impact on the Biological Heritage Site, Geological Heritage Site, together with landscape impacts need to be fully considered.
<b>County Council (Education)</b>	<b>No objection</b> and at the present moment in time would not seek an education contribution for either primary or secondary school provision. However given the number of pending planning applications they may seek a contribution of £20,303.59 for one secondary school place.
<b>County Council Mineral Safeguarding</b>	No observations received within the statutory timescales.
<b>Lancashire Police</b>	<b>No objection</b>
<b>Geo-Lancashire</b>	No observations received within the statutory timescales.
<b>Fire Safety Officer</b>	<b>No objection</b>
<b>Lead Local Flood Authority</b>	Initially objected however following receipt of amended drainage information. <b>No Objection</b> , subject to the provision of conditions controlling a surface water drainage scheme, management of surface water, and eliminating pollution throughout the construction phase.
<b>Conservation Officer</b>	<b>No objection</b> to the development assuming high quality design, landscaping and suitable boundary treatments.
<b>Environmental Health</b>	No observations received within the statutory timescales.
<b>Lancashire Wildlife Trust</b>	<b>Objection</b> on the basis that the ecological appraisal has under-estimated the impact of the Over Kellet Pond and fails to address the potential impacts on the local Great Crested Newt population and also the Biological Heritage Site.

## **5.0 Neighbour Representations**

5.1 At the time of compiling the report there has been **55** letters of objection received to the scheme outlining the issues below;

- Sustainability issues, including the site is not sustainable; the site is not within Over Kellet; poor quality bus service provision; high-density development in the countryside;
- Traffic and Highway safety concerns, including creation of a sea of cars and exacerbation of existing congestion on Greenways;
- Biodiversity concerns, including impact on preserved trees; loss of habitat for wildlife; detrimental Impact on the Biological Heritage and Geological Heritage Sites;
- Open space concerns, including loss of recreational area; the site has been submitted for consideration as a local green space; loss of well-used footpath;
- Flood and drainage concerns, including increased risk of flooding; and inadequate waste water infrastructure;
- Impact upon heritage assets;
- Amenity concerns, including loss of amenity and privacy to Church Bank properties;
- Concerns regarding the submission, including factual and drawing inaccuracies; poor quality of supporting data; red-edged plan incorporates boundary hedges;
- Land ownership concerns, including site entrance is not within applicant's control.
- No demand for large 4 bedroom homes – these homes should be one-two bedroom;

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

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles  
Paragraph 32, 34 and 38 Access and Transport  
Paragraphs 49, 50 and 55 - Delivering Housing  
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design  
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities  
Paragraph 103 – Flooding  
Paragraphs 109, 115,117,118 – Conserving the Natural Environment  
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

- SC1 – Sustainable Development
- SC3 – Rural Communities
- SC4 – Meeting the District's Housing Requirements
- E2 – Transportation

6.4 Lancaster District Local Plan - Saved policies (adopted 2004)

- E4 – Countryside Area

6.5 Development Management DPD

- DM20 – Enhancing Accessibility and Transport Linkages
- DM21 – Walking and Cycling
- DM22 – Vehicle Parking Provision
- DM23 – Transport Efficiency and Travel Plans
- DM26 – Open Space, Sports and Recreational Facilities
- DM27 – Protection and Enhancement of Biodiversity
- DM28 – Development and Landscape Impact
- DM29 – Protection of Trees, Hedgerows and Woodland
- DM30 – Development affecting listed buildings
- DM32 – The Setting of Designated Heritage Assets
- DM34 – Archaeology
- DM35 – Key Design Principles
- DM37 – Air Quality Management and Pollution
- DM38 – Development and Flood Risk
- DM39 – Surface Water Run-off and Sustainable Drainage
- DM41 – New Residential dwellings

DM42 – Managing Rural Housing Growth  
DM48 – Community Infrastructure  
DM49 – Local Services

## 6.6 Lancashire Minerals and Waste Local Plan

M2 – Safeguarding Minerals (Minerals Safeguarding Areas)

## 6.7 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Strategic Housing Land Supply Statement (October 2015);
- Planning Advice Note – Open Space Provision within New Residential Developments.

## **7.0 Comment and Analysis**

7.0.1 The main issues to be considered in the determination of this application are:

- Principle of development;
- Design;
- Highways;
- Drainage;
- Landscape;
- Ecological Issues;
- Education Provision;
- Open Space;
- Heritage Considerations;
- Other Material Considerations

### 7.1 Principle of development

7.1.1 The site is located on land outside of the main urban area and is identified as ‘Open Countryside’ in the adopted Local Plan. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the district, and this was very much the intention of Policies SC1 and SC2 of the Core Strategy. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.

7.1.2 DM DPD Policy DM42 seeks to promote wider opportunities for housing delivery within rural areas of the district, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the council would, in principle, support proposals for new housing. Policy DM42 identifies Over Kellet as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Over Kellet is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular reference should be made to paragraph 20.22 of the Development Management DPD which states;

*‘The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)’.*

7.1.3 Given the site is identified as Open Countryside, saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Open Countryside to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests and make satisfactory arrangements for access, servicing, cycle and car parking provision.

7.1.4 Notwithstanding this, the Council is charged by Government (via National Planning Policy) with significantly boosting the supply of housing. Locally, DM DPD Policy DM41 states that residential development will be supported where it represents sustainable development. The Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.

7.1.5 The Local Authority cannot demonstrate a 5 year housing land supply, and Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPA's) should approve development proposals which accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework [NPPF] taken as a whole; or
- Specific policies in this Framework [NPPF] indicate development should be restricted.

As a consequence there is a clear expectation that, unless material considerations imply otherwise, opportunities for sustainable housing delivery should be considered favourably and officers have attached significant weight to this in terms of the planning balance.

7.1.6 The site was put forward in the Strategic Housing Land Availability Assessment (SHLAA) 2015, however it was assessed as being undeliverable. The SHLAA proposal occupied 14.35 hectares and therefore was much larger than the application site, and was deemed undeliverable due to concerns with respect to the developments impact on the natural environment and could prejudice future access to minerals. The current application occupies just 0.75 hectares, and the site does not fall within any nationally important statutory designations (although around 1m of the access does fall within the Biological Heritage Site). Notwithstanding this, the SHLAA is just an evidence base document to assess the amount of land that could be made available for housing development, this can include green belt and also countryside land as well.

7.1.7 Many objectors have raised the concern that Over Kellet is not a sustainable location for a scheme of this scale. However DM DPD Policy DM42 is especially relevant for this application and as noted above new development in Over Kellet will be supported assuming the below criteria can be met;

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment can accommodate the impacts of the expansion;
- Demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape; and,
- Consider all relevant policies within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD.

7.1.8 The proposed development is located on the southern fringes of Over Kellet and whilst it is greenfield it does feel very much part of the settlement given the presence of properties on Church Bank to the west and Greenways to the north, it is therefore considered that the scheme is well-related to the built form. At 15 units, (compared with a population of 761 in 2011) the scheme is considered to be proportionate to the existing scale of the village. Assuming high quality designs and materials were put forward at reserved matters stage, it is considered that the proposal, with associated open space, would be in keeping with the character of the settlement.

7.1.9 The scheme is in outline, however the applicant has submitted an indicative layout to show how 15 units can be accommodated on the site together with the open space provision. Whilst there are concerns with the schemes layout as proposed, it is considered that given the density of the scheme that a high quality scheme which represents good siting and design can be delivered here. For the reasons contained elsewhere within this report it is considered that in general the local environment can accommodate this form of development.



7.2 Design

7.2.1 Outline planning permission is being sought. This does not include (at this stage) precise matters of design such as layout. The purpose of an outline application is to establish the principle of development and the quantum of units that a site could reasonably accommodate, taking into account the site constraints. The applicants have supplied an indicative layout plan which shows how the 15 units could be accommodated on the site. The scheme shows provision for 7 detached dwellings and 8 semi-detached units; open space in the region of 470 square metres; 470 square metres for the pond buffer zone and the necessary access. There were concerns (with the withdrawn application) about the utilisation of the pond buffer zone as open space and the layout has been amended to show the retention of one of the outcrops and this land allocated as amenity space. The proposed layout has its strengths such as a strong approach into the site with two dwellings facing Greenways, and at the rear of the site following concerns at pre-application stage the units have been turned to face Nether Kellet Road. Internally however the scheme does appear quite suburban and car dominated. The case officer has significant reservations regarding the relationship between plots 13 and 14 relative to the proposed residential amenity space. Principally as users of the open space would be looking directly into the gardens of the adjacent units and it is felt that this area can be improved upon as can the relationship between plot 9 and the limestone outcrop.

7.2.2 A number of residents of Church Bank have objected. They enjoy pleasant views from the rear of their properties (many of which have low hedgerows to take advantage of the views). However, the 'right to a view' is not a material planning consideration that has weight in planning decisions. The right to an appropriate outlook however, does. To safeguard outlook, DM DPD Policy DM35 advises that there should be 21m between dwellings where windows of habitable rooms face each other. The closest habitable window to habitable window distance is in the region of 24.5m and therefore this exceeds the criteria in Policy DM35. Notwithstanding this, there are level differences between Church Bank and the application site of up to around 3 metres. Whilst not adopted by policy there is general good practice that for every ½ metre difference in levels there could be an additional metre separation provided. Such matters would be controlled at the Reserved Matters stage, if the current application is approved. All the gardens adhere to providing 50sq.m of usable garden space, and on the whole all benefit from 10m-long gardens. Whilst concern has been raised that the scheme is high density, based upon an area of 0.75 hectares this equates to a housing density in the region of 20 dwellings per hectare (which is not dissimilar to the local context). The Council's most recent Strategic Housing Land Availability Assessment discusses density in rural areas at 30 dwellings per hectare, and therefore it is considered acceptable and it is vital that efficient use of land occurs.

7.3 Highways

7.3.1 The local community have highlighted significant concerns in terms of road safety and the ability of the highway network to accommodate further development. The site has one point of access and to gain access this would be afforded by the B6254 (Kirkby Lonsdale Road) via Greenways. The speed and volume of cars travelling along Greenways and on Kirkby Lonsdale Road have been cited by the local community as a safety concern. The County Council as highway authority raise no objection to the scheme on either highway capacity, or highway safety grounds. Whilst they offer no objection, they raise specific observations regarding the provision of a turning head arrangement and provision of continuous footways within the scheme. There initially were concerns that the proposed footpath link would not be continuous, however a solution has been arrived at which allows for a physical connection between Footpath 12 and also the continuation of the existing arrangement from Greenways (in essence narrowing the carriageway from 5.5m to 3.5m, with a dropped kerb either side to allow for access). It is considered that this presents a solution to prevent cars travelling at speed whilst facilitating the use of this footway. The County recommend conditions to upgrade the two local bus stops to quality bus stop standards and that footway number 12 should be improved to allow for a safe pedestrian walking route. With respect to bus shelters, additional advice will be sought and a verbal update will be provided.

7.3.2 The site is well located with respect to the local Public Rights of Way and there is a rather informal footway that skirts around the pond on its eastern side which is known to have some recreational value. Whilst no request has been made from the County Council for connections other than to footpath 12, there appears to be benefit to making a connection to footpath 13 (50m to the south) and also connecting to footpath 10. This would not only benefit users of the new dwellings but formalise the arrangement which already occurs. At the time of writing this report confirmation that

this was accepted by the applicant's agent is still awaited, however given this falls within the ownership of the applicant it can be addressed by means of condition.

### 7.4 Drainage

7.4.1 The site is within Flood Zone 1 which has the lowest probability of flooding (less than 1 in 1,000 year annual probability of river or sea flooding <0.1%). Whilst the site area is under 1 hectare, a site-specific Flood Risk Assessment (FRA) was submitted, including some intrusive surveys of the site. The report states that 5 trial pits were excavated but only one was able to provide an infiltration rate (three were abandoned due to poor infiltration rates and one lay upon bedrock). This demonstrates that shallow infiltration drainage will be ineffective due to the low permeability of the superficial deposits, however dependent on the results of deep borehole testing, it may be apparent that there is limestone which could provide a means of infiltration assuming it is sufficiently fractured. A weakness of the proposal is that there is no drainage drawing which indicates the current surface water flow route or how this will be managed post development nor is there any indication on plan as to storage or infiltration and therefore the layout will likely need to be amended to account for this at reserved matter stage. These issues could be addressed by condition.

7.4.2 Many objectors have made reference to surface water concerns, with a number sharing photos of flooded gardens, the flooded public right of way and also parts of the development site under water. These concerns are noted and are taken into account in reaching this decision. It is also believed that the pond is spring-fed as opposed to stream-fed and there has been concern that the location of the proposed soakaway is likely to drain into the pond (therefore concern that one of the boreholes may well end up forming part of the pond). It should be noted that the scheme is in outline form, and the Lead Local Flood Authority raise no objection to the scheme, although they state that further information would be required to ensure that the proposal could proceed without posing an unacceptable flood risk to Church Bank and Greenways. This would need to be addressed by planning condition. Whilst the concerns of the local community are valid planning concerns, the site is within Flood Zone 1 and there is no statutory objection. With this in mind it is considered that subject to the provision of planning conditions (a detailed surface water drainage scheme, ongoing maintenance and also an Environmental Management Plan to ensure no harm occurs to either the adjacent pond or to residents on Church Bank and Greenways), then the development can be found acceptable. There is no reason to believe that the site cannot be drained for foul water with the applicant proposing to connect to the existing UU sewer on Nether Kellet Road, and therefore assuming foul and surface water drainage was drained on separate systems no harm should occur.

### 7.5 Landscape

7.5.1 DM DPD Policy DM28 and the NPPF seek to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). Policy DM28 states that outside of protected landscapes the council will support development which is of scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. Given this is an outline application, matters associated with siting, design, materials and external appearance of landscaping will be determined at the reserved matters stage should this be supported by Members.

7.5.2. Officers share the concerns of local residents that the proposal will lead to an inevitable change in character of the application site and it is evident from third party representation that its current undeveloped nature is appreciated by local people. Many have talked about informal use of this area for play and the likes of sledging in the winter and all of this contributes to an experience of living within the countryside (notwithstanding the site is within third party ownership). During the Officer visits to the site it is clear that the site is well used (especially with dog walkers). As part of the emerging Land Allocations DPD the site is not identified as a Local Green Space. However it appears that an application has been made to include the site (as part of a wider 7.7 hectare site) as a Local Green Space (with the application being received as part of the second round of submissions). A conclusion has yet to be made on the merits of that application as to whether the site could benefit from this allocation. Local Planning Authorities must determine planning applications in a timely manner and cannot defer them indefinitely. To do so would almost certainly lead to an applicant appealing against 'non-determination' of the planning application. There is (in extreme circumstances) the option of refusing an application on the grounds of prematurity, however it is not considered that approval of this part of the site would undermine the plan making process.

- 7.5.3 There have been a number of concerns raised with respect to loss of landscape. The site is rugged, bordered by dominant exposed limestone crags to the eastern boundary with mature trees and hedgerows to the south west. It is considered that the site has a feeling of being quite tranquil despite having properties located to the north and west. There would be a moderate landscape change in respect of the landscape character and also a moderate effect in terms of landscape designation features and vegetation. There would be a localised significant loss, however this would not lead to unacceptable adverse landscape effects to which constitute a significant environmental effect.
- 7.5.4 The site does have landscape value, and whilst Natural England do not object they consider that the Forest of Bowland AONB Unit should be consulted on the application given the site's proximity to the AONB. It should be noted that the application site is 1.89km to the AONB boundary and given the presence of the crags along the eastern boundary and the small scale nature of the proposal the officers are satisfied that there would be no harm created to the AONB through this development and therefore the Forest of Bowland AONB office have not been consulted.
- 7.5.5 It needs to be stressed that if the nationally important designated sites (such as the Arnsdale and Silverdale and Forest of Bowland AONBs) are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected (such as the application site) and are well-related to existing sustainable settlements are the landscapes most likely to accommodate future development to meet the housing needs of the district. Whilst there would be a substantial change from greenfield to housing, given the confined nature of the application site, on balance it is considered that the scheme complies with Policy DM28 of the Development Management DPD and Policy E4 of the Lancaster City Local Plan.
- 7.6 Geology
- 7.6.1 The site lies adjacent to a Regionally Important Geological Site (RIGS) which is also protected in law by the associated Limestone Pavement Order. Geo-Lancashire whilst have not responded to consultation request however did so to the original application and initially objected as they considered that the site fell within the RIGS allocation, through discussions with officers they did withdraw this objection and agreed that the site does not fall within the designation. The observations of Geo Lancashire will be reported verbally. Officers are mindful of the adjacent crags which consist of exposed outcrops (and also the two outcrops that appear on the site itself). With respect to any interruption to the adjacent geology there is nothing before officers to come to a decision that this development will have any adverse impact on the RIGS site. It is therefore considered that the development is acceptable in this regard, and that as part of the ongoing management arrangement of the adjacent Crags there could be some net gain from this development proposal.
- 7.7. Ecological Issues
- 7.7.0 Impact of the development on amphibians
- 7.7.1 The application is accompanied by an ecological appraisal of the site which includes great crested newt surveys given the presence of the protected species in the Over Kellet pond (the pond supports five species of amphibian and to find a pond such as this is scarce). Whilst great crested newt surveys have been carried out, Lancashire Wildlife Trust and also a number of the local community raise serious reservations about the survey methods employed, together with the associated results. It is accepted between all parties that the pond supports great crested newts with the applicant's ecological report suggesting that there is a small population of the protected species. It has to be assumed that there could be a risk posed to the protected species as great crested newts feed on land, and will find day-time refuges and places for hibernation on land away from the pond. Parts of the site are 15 metres from the pond and it is reasonable to assume that associated marginal habitats will be used by the protected species and therefore could be harmed by this development proposal, for example the new access road.
- 7.7.2 Whilst there are concerns that the great crested newt population has been underestimated by Lancashire Wildlife Trust and also the local community, the view of Greater Manchester Ecology Unit is that there would be sufficient habitat on the site in terms of quantity, quality and connectivity to maintain the local population status of amphibians. This is on the understanding that the ecological mitigation and compensation measures (as noted within the applicant's submission) are

implemented, such as removing cattle poaching from the banks of the pond within the ownership of the applicant (the remainder falls within the control of the Lancashire Wildlife Trust); the implementation of the green buffer zone and amphibian friendly features in the development such as dropped kerbs adjacent to gully pots. The applicant had originally included open space adjacent to the pond that would provide a dual role (amenity and amphibian friendly), however officers were not satisfied that this would work in practice and subsequently an amended plan was provided which allows for a 470sq.m buffer zone around the pond. This is a reasonable buffer, on the provision that the buffer is managed in a way that is sympathetic to amphibians and the proposed management of the pond BHS for amphibians is secured and implemented. Conditions are recommended to deliver the improvements to Over Kellet Pond, including the buffer zone to be managed for amphibians, a 'capture and exclusion' exercise to be implemented during the construction works, and amphibian-friendly features to be incorporated into the development; all of which can offset any harm.

7.7.3 Due to the high level risk that great crested newts may be harmed, under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a Licence will be required from Natural England. The local planning authority will need to have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and must consider;

- i) That the development is 'in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
- ii) That there is 'no satisfactory alternative'; and,
- iii) That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'.

7.7.4 In relation to point i) the applicant has provided additional information in so far as the provision of housing is supported by the Development Plan as Over Kellet is a village where new residential development is in principle supported. Additionally, given the great crested newt population is low, the mitigation proposed would enable a low level of harm to occur. It is also the case that the Government has indicated that sustainable housing developments that accord with the Development Plan could be said to meet the public interest test. It should be stressed that the delivery of housing is deemed to be of national significance (given as a nation we are building 100,000 fewer homes per year than what we need). In addition, the Local Planning Authority are not able to identify a 5 year housing land supply, and this scheme would contribute to both affordable and open market housing needs (bringing economic and social benefits) and given the potential harm to newts is low, officers consider that on balance this element of the test is passed.

7.7.5 The reason that the previous application was withdrawn was due to the applicant failing (in the opinion of officers) to consider alternatives to the proposed development. Additional information has been supplied by the applicant on 14<sup>th</sup> February 2017 and they have also submitted a licence application form (although the applicants did not submit this to Natural England) which considers alternatives, namely looking at the sites identified in the Strategic Housing Land Availability Assessment, of which there is only one site that is deemed deliverable (site number 559 at Old Hall Farm suitable for potentially 4 dwellings). As this report previously recalls, the application site was considered undeliverable in the context of a wider site that encompassed 14.35 ha, therefore very different from the application site. The scheme has evolved to include a buffer zone between the pond and the development, and features of a package of mitigation that would enable the local great crested newt population to be maintained. There is therefore nothing before officers to suggest that any of the alternative sites put forward by the applicant would have a less effect on protected species (whether that be bats or great crested newts) and in light of there being no objection from Natural England, there is nothing to suggest a licence would not be granted. The Local Planning Authority has had due regard to the Regulations and consider that sufficient information (coupled with the amendments to the scheme) has been supplied to enable point ii) to be passed.

7.7.6 With respect to part iii), this element has been assessed by GMEU who consider that the development is compatible with sustaining the local great crested newt population, subject to mitigation being put in place. Notwithstanding the concerns expressed by Lancashire Wildlife Trust (and indeed residents), the absence of statutory objections from Natural England or the Council's ecological advisors GMEU, means that Regulation 9 (5) does not require a planning authority to carry out the assessment that Natural England has to make when deciding whether there would be a breach of Article 12 of the Habitats Directive.

7.8 Impact of the development on Flora

7.8.1 The site has nature conservation value as there are species such as common knapweed, lady's bedstraw, common birds foot trefoil, harebell, fairy flax and eyebright within the site, with this localised on the south western outcrop (adjacent to Plot 9). GMEU have advised it would be prudent to retain this outcrop, or that compensation should be sought for the loss. The applicant is not willing to amend the layout, however it is considered that there would be gain in ensuring the future management of the adjacent Over Kellet Crags occurs, and therefore this could compensate for the harm caused to the outcrop within the curtilage of Plot 9. It is considered that this can be controlled by means of planning condition, however the preference should be for this to be retained and the layout subsequently amended to cater for this (which it is considered could occur given the densities of housing being proposed.).

7.9 Impact of the development on the hydrology

7.9.1 The site is likely to drain towards the existing pond and therefore with the proposed amendments to the ground levels this will have an impact on the pond. Notwithstanding this, a significant part of the Over Kellet Crags BHS will still continue to drain into the pond. Conditions ensuring a site drainage plan which includes measures to maintain water levels within the pond and prevent contamination should be attached to any consent.

7.9.2 In conclusion, despite local concerns regarding the accuracy of the great crested newt surveys, no surveys to the contrary have been supplied and the Council's ecological advisor raises no objection to the scheme (although recommends a number of planning conditions and has their own concerns). Should Members choose to support the scheme conditions should be attached to any permission which require a buffer zone to be provided between the pond and the development, a capture and exclusion exercise, amphibian friendly features to be built into the development and the adjacent BHS sites managed appropriately for amphibians.

7.10 Education Provision

7.10.1 There has been local concern that there is insufficient school capacity locally, especially in the local primary school which is Wilson's Endowed Church of England Primary School (located approximately 150m to the north-west). Lancashire County Council (as Education Authority) states that there is currently adequate provision for primary school places locally without requiring a financial contribution (admittedly some of these primary schools that have capacity, are not those that are closest, for example Carnforth Christ Church School) and Our Lady of Lourdes Catholic Primary School. With respect to secondary provision the County consider that there is currently provision without seeking a financial contribution, however given the pending applications that have still to be determined (notably Brewers Barn which is for 158 units 16/00335/OUT) they are seeking a contribution for 1 secondary school place (Carnforth High School). Contributions can only be requested when they are reasonable in scale and kind, and at the time of drafting this report the schemes the County refer to are either pending determination, withdrawn or refused (although still within the timescales for appeal). On this basis it is not considered that their request would not pass the tests of reasonability.

7.11 Open Space

7.11.1 Whilst in outline form, the indicative layout shows how open space could be delivered on the site. The scheme proposes 370sq.m of amenity space on site (in between Units 13 and 14) and 100sq.m to the north-west of plot 15, and also offers 470sq.m as a buffer zone between Kellet Pond and the nearest dwelling. Initially the scheme only proposed the buffer zone adjacent to the pond to be used as amenity space however amenity space and habitat for newts are somewhat incompatible with one-another and therefore the applicant proposed additional open space within the site itself. There are reservations as expressed in Paragraph 7.2.1 of how useable this space actually is, however these are issues that can be addressed at reserved matter stage.

7.11.2 An off-site contribution has been requested of £37,138. The Public Realm Officer (through liaison with local residents and the Parish Council), have suggested that the public have access to the outdoor sports facilities on the school site and includes football and tennis facilities, and subject to

need, then a contribution should be made to upgrade these facilities. There is also evidence that the public are allowed to access play facilities on the school grounds and therefore a contribution of £17,100 has been sought to upgrade the play area. These are issues that should be explored by the applicant and separate discussions should occur with the Parish Council/School to establish if there is indeed a need here. Confirmation is still awaited that the applicant is amenable to entering into a legal agreement to secure monies for off-site open space (and this will be reported verbally to Members), however because the number of units and also the bedroom numbers are unknown at present this should be re-assessed at Reserved Matters stage should Members be minded to approve the scheme.

### 7.12 Heritage Considerations

7.12.1 The site is not within a Conservation Area (this is located approximately 280m to the west), however there is St Cuthbert's Parish Church (Grade II\* listed building) located 180m to the south west of the application site and Kirk House (Grade II) is located 140m to the south of the application site. The principal setting of the Listed buildings is not compromised and so there are no justifiable objection. The setting of the site does however endorse the need for high quality design, appropriate landscaping and suitable boundary treatment. Given this it is considered that the scheme complies with Policies DM30, DM31 and DM32 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

### 7.13 Other Material Considerations

7.13.1 Concern has been raised with regards to a parcel of land that is required to gain access to the site, which does not fall within the control of the applicant. The relevant notice has been signed, and has been advertised in the press, and therefore the LPA are content that the applicant has followed the appropriate procedure. Concern has also been raised that boundary hedgerows belonging to Church Bank could not be maintained; however the applicants have provided a buffer zone for allow for maintenance, this issue can be addressed as part of any subsequent reserved matters application.

7.13.2 The public representations highlight concerns regarding the accuracy of the submitted drawings and cross-sectional plans, suggesting that these underestimate the impact of the development. It is easy to see why there is some ambiguity regarding finished ground levels, because the plans are indicative at this outline stage. However, any Reserved Matters application will need further survey work before permission can be considered. At this stage, officers have comfort that given the separation distances involved and the requirement that precise finished floor levels will need to be agreed, a scheme will be capable of being accommodated without harm to amenity.

7.13.3 Many have cited a number of properties for sale within the village at present and there is no perceived demand for any new homes. This is a flawed argument – any housing market will have houses that are displayed for sale at any given time. It is not an indicator that there is already a sufficient supply of housing. The Housing White Paper, published by the Government within the last month, re-emphasises the facts that there is a current high demand and low supply of housing. Over Kellet is a village where residential development is supported in principle. If this outline application is approved, then the Reserved Matters application will need to ensure that local needs are met. Whilst no comments have been offered by the Strategic Housing Officer, it has been previously suggested that the affordable offering would be better suited by providing 2 x 1-bedroom houses, 2 x 2-bedroom houses and 2 x 3-bedroom houses.

7.13.4 The land is identified as a Mineral Safeguard Area, the County Council as mineral planning authority for Lancashire have not responded to the planning application, however it is not considered that development of this site would prejudice any future mineral application given its close proximity to residential dwellings.

## **8.0 Planning Obligations**

8.1 Should outline consent be granted, it is recommended that the following contributions should be sought. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by Policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability);

- Public Open Space contribution to be assessed at reserved matters stage;
- Long term Open Space Maintenance; and,
- Kirk House Biological Heritage Site – Enhancement and Improvement Measures.

### **9.0 Conclusions**

- 9.1 The proposed development is located within a sustainable rural settlement and the scheme would provide 6 affordable homes (40% of the total units) and proposes market homes in a location of the district where the LPA would seek to support sustainable housing schemes. The proposed density is considered appropriate to the surroundings and it is considered that a high quality scheme (utilising high quality materials) could be delivered on the site without causing loss of amenity for the adjacent properties on Church Bank.
- 9.2 The scheme has generated public opposition, but officers consider that issues associated with nature conservation and the developments impact on the hydrology of the area can be made acceptable by utilising planning conditions and this is a view supported by both the Lead Local Flood Authority and Greater Manchester Ecology Unit. It is considered that the development is acceptable from a highways perspective, and there is capacity in the local schools, and off-site contributions that would go towards open space, which would ensure that the village could support this development. With the above in mind, Members are advised that the scheme can be supported.

### **Recommendation**

That subject to the applicant entering into a legal agreement to include for the provisions identified in Paragraph 8.1, Outline Planning Permission **BE GRANTED** subject to the following planning conditions.

1. Timescales
2. Approved Plans
3. Access Plan
4. Offsite Highway works
5. Surface Water Drainage
6. Foul Drainage
7. Surface Water Management Scheme
8. Provision of Open Space
9. Development in Accordance with AIA
10. Provision of Tree Protection Plan / Arboricultural Method Statement
11. Unforeseen contaminated land assessment.
12. Ecological Enhancement Measures
13. Provision of electric vehicle charging points.
14. Removal of Permitted Development Rights
15. Finished Floor Levels to include site levels
16. Public rights of way

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None.

Agenda Item A7	Committee Date 6 March 2017	Application Number 16/01150/FUL
<p align="center"><b>Application Site</b></p> <p align="center">Lune Valley Lawnmowers Sylvester Street Lancaster Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Demolition of existing industrial building and erection of 4 residential flats with associated car parking</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Colin Stephens</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Harrison Pitt Architects</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">18 November 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Liaising with agent regarding revisions</p>	
<p><b>Case Officer</b></p>	<p>Mrs Petra Williams</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 application has been called in to Committee by Councillor Brookes who is concerned that the site may be unsuitable for residential development and has concerns regarding the standard of accommodation and design (in relation to the character of the area).

**1.0 The Site and its Surroundings**

- 1.1 The application site is a light industrial unit located within Sylvester Street which is a short residential street located immediately due west of the West Coast Mainline and is accessed from Sibsey Street. Sylvester Street comprises two-storey stone-fronted terraced properties along the western side of the road and a series of two and single-storey commercial units along the eastern side. Beyond this line of commercial units lies a high stone retaining wall to the West Coast Main Railway line.
- 1.2 The site is long, measuring 62m in length, and is narrow; tapering to a point at its northern end. The site comprises the northern commercial unit, associated open service area and a landscaped area with mature trees encircled by a low stone wall. The unit is broken into two distinct elements; a lower single-storey section (shop/office and workshop) and a two-storey element (workshop only). The building has a maximum height of 6.3m to the highest part of the pitched roof. The building has rendered walls under a cement fibre/asbestos sheeted roof and have until recently been occupied by Lune Valley Lawnmowers and Lancaster Lock and Safe Co. The site has been operational along with its adjoining neighbour unit for many years.
- 1.3 To the south of the site is a recreational field used by the Lancaster Girls Grammar School. To the northern end of the site is a small group of trees which are covered by a Tree Preservation Order (TPO 557(2015)). A public footpath (No.40) runs between the application site and the railway retaining wall. The footpath is relatively narrow approximately 1.5m wide. The footpath is also a cycle link forming part of the Strategic Cycle Network within the city.



**2.0 The Proposal**

- 2.1 The scheme originally proposed 5 dwellings. However, following concerns regarding design and private amenity space the submission has subsequently been amended to propose four residential flats laid out over two storeys with associated parking provision. The two flats at the northern end of the block will each provide 2 bedrooms with the southern end of the building offering two 3-bed flats.
- 2.2 The pitched roof design would have a maximum height of 7.9 metres with a mono –pitched link joining the two elements. The southern-element would contain a gable feature fronting Sylvester Street and materials would primarily be render under a slate roof. On-site parking provision for 5 vehicles will be made as well as bin and cycle storage.

**3.0 Site History**

- 3.1 The site has a limited planning history with a previous application in 2006 (Ref: 06/00282/OUT) which sought consent for 12 flats over three storeys. The application was recommended for refusal but withdrawn by the applicant before determination. More recently application 15/00754/CU for the erection of 6 residential dwellings was refused (at delegated level) for the following reasons:

1. *In the opinion of the local planning authority, the scheme as submitted with severely restricted garden depths and area will result in habitable room windows to the rear elevation which face directly at a very short distance onto a large boundary treatment and are overshadowed and dominated by the presence of the substantial retaining wall immediately to the rear of the plots. This relationship is considered to overpower outlook from the dwellings, provide for wholly impractical private space and orientation will ensure little natural daylight reaches the rear of the properties to the detrimental of the amenities of the residential occupiers. As such the submission is considered to conflict directly with the guidance and policy position set out in Policy DM 35 - Key Design Principles of the Development Management DPD and design guidance contained within Section 7 (Requiring Good Design) of the NPPF.*
2. *The west side of Sylvester Street comprises modest two storey natural stone built houses under slate roofs. The proposed scheme whilst acknowledging the scale and overall form of the street, seeks to provide brick elevations under tiled roof with a poorly detailed and bland front elevation. The scheme is considered to add little to the quality of the street. Whilst the loss of the building could provide some wider benefit, the scheme as submitted, is not considered to enhance the character or appeal of the area and will result in the loss of valuable local trees. As such, the development is considered to be contrary to DM29 - Protection of Trees, Hedgerows and Woodland and DM 35 - Key Design Principles of the Development Management DPD, SC5 - Achieving Duality in Design of the Lancaster Core Strategy and design guidance contained within Section 7 of the NPPF.*
3. *In the opinion of the local planning authority, the lack of adequate car parking provision is considered to be detrimental to the amenities of future and existing residential occupiers and could lead to a reduction in highway safety in the area, as such the development is considered to be contrary to policy DM22 Vehicle Parking Provision and DM 35 - Key Design Principles of the Development Management DPD.*
4. *The application submission fails to provide for the provision of any affordable housing or seek to justify a financial viability appraisal for the omission of such provision as such the proposal is considered to be contrary to the demands of the Meeting Housing Needs SPD, DM41 of the Development Management DPD and policy SC4 of the Lancaster Core Strategy.*
5. *The proposal has not been supported by a marketing exercise and in the opinion of the local planning authority, the application has failed to demonstrate that the location has exceptionally severe site restriction or that the benefits of the proposal outweighs the loss of the site for employment purposes. In addition, it is considered that its loss has the potential to undermine the operation of the neighbouring employment site. As such the development is considered to be contrary to DM15 of the Development Management DPD.*

## 4.0 Consultation Responses

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

Consultee	Response
<b>Tree Protection Officer</b>	<b>No objection</b> to revised scheme subject to conditions (scheme for the type and distribution of new trees; and works to be carried out in accordance with the Arboricultural Implications Assessment).
<b>Planning Policy Officer</b>	<b>Comments</b> – Insufficient information on marketing and therefore it fails to satisfy the first element of policy DM15. Whilst this site is not within a defined regeneration priority area there are significant regeneration issues surrounding this site. Clearly the buildings are in a poor state of repair which do have visual amenity issues with the locality and therefore I would suggest that localised regeneration benefits arising from this proposal may well outweigh the loss of the site for employment uses.
<b>Environmental Health (Noise)</b>	<b>No objection</b> to revisions subject to the provision of 10/12/8.4 glazing with trickle vents or similar.
<b>Contaminated Land Officer</b>	<b>Comments</b> – Standard contaminated land condition requested.
<b>County Highways</b>	<b>Objection</b> to revisions due to highway safety and residential amenity concerns
<b>Public Rights of Way Officer</b>	<b>Comments</b> – Requests that the footpath surface is improved by the applicant as part of the development. The existing building has prevented water from draining away from the path and it is clear to see areas where water has pooled and the path has been difficult to use in wet weather. The poor repair of the existing structure has caused water to be discharged onto the path and this has caused some deterioration of the surface.
<b>Natural England</b>	<b>No comments</b> to make in respect of this application.
<b>Network Rail</b>	<b>Comments</b> - The proposals must not encroach into the influence zone of the wall. Developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Comments to be provided to applicant as advice.
<b>Lancaster Civic Society</b>	<b>No objection</b> to revised scheme. The reduction in the proposed density is more appropriate for this location and the frontage is now of a more pleasing design.
<b>Fire Safety Officer</b>	<b>Comments</b> - advice in respect of access for fire appliances and water supplies for firefighting purposes to the site. Comments to be provided to applicant as advice.
<b>Parking and Administration (LCC)</b>	<b>Comments</b> - The applicant should be advised that the occupiers of the properties will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme – Fairfield Zone J.

## 5.0 Neighbour Representations

5.1 At the time of compiling this report 12 items of public comments (1 being a duplicate) were initially received in respect of the original proposal for 5 dwellings. All objected to the scheme with the primary concerns being as follows:

- Inappropriate location of development for residential development.
- Residential amenity issues, including overlooking/loss of privacy; loss of daylight; failure to comply with recommended distances to properties on opposite side of Sylvester Street; increase in noise; rear balconies unacceptable;
- Design issues, including failure to contribute positively to character of the area; not locally-distinctive; 3-storey design inappropriate;
- Highway and traffic issues, including traffic increase; increase in pollution; existing parking pressure in the area; inadequate delivery space during construction);
- Lack of smaller light industrial premises in the city;
- Biodiversity issues, including absence of bat and bird boxes;
- Application issues, including queries regarding marketing exercise; location of development is misleading; existing use is not at odds with residential use (so Design and Access Statement is misleading); Vibration and Noise Report is misleading;

- The joint owner of the adjoining business objects that development would compromise his ability to continue as a business/employer by leaving them as the only industrial premises in the street;
- Concerns regarding railway embankment wall and the impacts of development upon it.

5.2 12 item of public comment (1 being a duplicate) have also been received in respect of the revised plans. Objections remain with the following primary concerns highlighted:

- Design is at odds with the existing street scene;
- Parking issues have not been addressed, including impact during construction;
- Amenity issues such as overlooking and loss of light; Additionally the Kitchen/ Dining/ Living" area for both Flat 2 and 4 has two of its three windows facing directly to the side wall of the remaining business unit. This raises noise concerns.
- Sylvester Street is an ideal location for small businesses because of its proximity to local transport routes and a city centre; and the joint owner considers that the proposal would compromise his ability to continue as a business and an employer; and,

### **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 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

#### **6.3 Lancaster District Core Strategy (adopted July 2008)**

SC1 - Sustainable Development

SC2 - Urban Concentration

SC4 - Meeting the District's Housing Requirements

SC5 - Achieving quality in Design

## 6.4 Development Management Development Plan Document (adopted July 2014)

DM15 - Loss of Employment Land and Premises for Alternative Uses  
DM20 – Enhancing Accessibility and Transport linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM28 - Development and Landscape Impact  
DM29 - Protection of Trees, Hedgerows and Woodland  
DM35 - Key Design Principles  
DM36 - Sustainable Design  
DM41 - New Residential Dwellings

Appendix E – Flat Conversion Standards

## **7.0 Comment and Analysis**

7.1 The main issues are:

- Principle and Housing Supply
- Loss of Employment Site
- Design
- Amenity
- Noise
- Highways and Parking

### 7.2 Principle and Housing Supply

7.2.1 National and local planning policy requires new development to be as sustainable as possible, particularly in terms of locating new residential development in places where it would be convenient to walk, cycle and travel by public transport, and access a range of services and facilities via such transport modes. The proposal is sustainably-located close to the city's Railway Station and in relatively close proximity to the bus and cycle network and a range of local services within the city centre. As such the principle of residential use of the site is acceptable, subject to all site-specific issues being appropriately addressed.

7.2.2 The Council cannot currently demonstrate a 5 year supply of deliverable housing sites, and so paragraph 49 of the NPPF is therefore engaged. This means that when considering development proposals, the adopted policies dealing with housing supply matters will not be considered up-to-date in these circumstances and so the presumption in favour of sustainable development applies (paragraph 14, NPPF). The provision of 4 residential flats will positively contribute – in a small but valuable way - to meeting the District's undersupply of housing

### 7.3 Loss of Employment Site

7.3.1 DM DPD Policy DM15 is relevant and states that the Council will seek the retention of land and buildings which are in an active employment use, has a previous recent history of employment use, or still has an economic value worthy of retention. Proposals which involve the use of employment land for alternative uses (such as residential) will only be permitted where:-

- Robust marketing has demonstrated that the premises is no longer appropriate or viable; *or*
- The location has severe site restrictions due to very poor access or serving arrangements or surrounding land uses to make continuing employment use inappropriate; *or*,
- Re-use of the employment land for some alternate use meets wider regeneration benefits or the benefits of the proposal outweighs the loss of the site for employment purposes.

7.3.2 Unlike the previous refused scheme the current application has been supported by marketing information. However, this information is limited and comprises a letter from a local commercial property agent stating that they have acted as selling agents for the vendor of the property. The letter states that during its time on the market, the property agents received virtually no interest from prospective commercial users and that this is due mainly to the age and condition of the building.

No details have been provided regarding the marketing period or specific number of enquiries. The marketing letter also argues that the demolition of the building and its replacement with a new housing scheme will provide benefits in terms of adding to accessible housing supply and general environmental improvements. Further evidence of marketing would clearly be useful to support the applicant's case. This has been requested and a verbal update on this matter will be provided.

- 7.3.3 The submission argues that the current use of the site falls within Class B2 - General Industry. The site has no planning history relating to the commercial operation and has been operating in its current form for a considerable number of years. Lack of any complaints to the local authority and active support for the land use (as part of the planning application consultation responses) would appear to indicate that the current use is compatible with the surrounding residential area.
- 7.3.4 For a commercial use, the site does have a number of constraints and the highway network leading to the site is restricted by width and geometry. Only a limited servicing area is available with access to the workshop area directly from the rear of the pavement. The absence of any planning history indicates little, if any control over operating hours should another operator take over the use of the site (although the Environmental Protection Act may offer some protection, were it needed). Nevertheless, the premises has been successfully functioning as an employment site for many years and is likely to be served by smaller vehicles which can traverse the local highway network. Car parking restrictions have been designated to allow short-term parking (2 hrs) to help service the needs of this and the neighbouring site. The retention of the site for light industrial use has been supported by a number of local residents and the neighbouring commercial occupant.
- 7.3.5 Nevertheless, there are clearly some merits associated with residential re-use of the site. Furthermore, it can be argued that in light of the current housing shortfall within the district the provision of 4 residential units would provide benefits which, in planning terms, outweigh the loss of this commercial unit. As such it is considered that the localised regeneration benefits arising from this proposal would outweigh the loss of the site for employment use. It is considered that the proposal accords with one of the provisions of Policy DM15.

## 7.4 Design

- 7.4.1 The west side of Sylvester Street comprises modest two storey natural stone-built houses under slate roofs. The revised scheme incorporates pitched roofs with a stepped elevation and gable feature to the western elevation which would provide interest to the development. Furthermore the proposed use of slate and render will address some of the design concerns with the previous application. The proposed use of slate is welcomed and details of the finish and colour of render to the main elevations would be conditioned along with materials for the façade of the link element which would be set back from the main frontage. Primary windows will be to the western, northern and southern elevations with only hallway windows proposed within the eastern (rear) elevation. Details of windows, doors, eaves, verge and ridge would also be conditioned. Overall it is considered that the revised scheme sets out an acceptable design approach in this location.
- 7.4.2 In terms of scale and massing it is considered that the proposal has been reduced significantly compared to the previously refused scheme for 6 dwellings and during the course of the current submission. There will be a 9.5m gap between the flats and the remaining business unit and the revised plans have reduced the height of the roof by 600mm. It is considered that the scale of the proposal is more reflective of the dwellings on the opposite side of the road.

## 7.5 Amenity

### 7.5.1 General Amenity - Future Occupants

The development has been designed to take account of the spatial standards set out in the Development Management DPD. The flats are all conveniently laid out and include vertical stacking of lounge and kitchen to minimise noise issues from floor to floor. The latest plan revisions introduce a planting bed to the northern elevation in order to introduce a visual buffer between the outlook from the ground floor flat and the vehicle parking area. Further planting is proposed around the northern part of the parking area.

- 7.5.2 The 5 proposed parking bays will included disabled parking provision. Cycle storage and bin storage will be provided within the southern part of the site and this is considered to be acceptable.

## 7.5.3 General Amenity - Wider Area

The appearance of the existing building is not considered to enhance the local area. The external envelope of the building is in need of repair and maintenance and its external materials are not considered to contribute positively to the streetscene. Its loss and replacement with a well-designed two-storey building could add to character of the area and the streetscene along Sylvester Street.

7.5.4 The surrounding area has a dense urban grain with rows of terraced housing all with limited rear garden areas. The proposal for residential flats rather than 5 dwellings overcomes the issue of private amenity space provision which was a significant concern (and the basis of a refusal reason) with the last application. It is also acknowledged that Policy DM35 seeks to ensure that there is at least 21m between habitable room windows that face each other. However, due the existing road network and the relationship of surrounding dwellings the proposed distance falls short of this. It is therefore considered that the distance of approximately 12m as proposed in this instance is acceptable. Furthermore, given the height of the proposed development it is considered that the impacts of the built form on the occupiers of the western side of Sylvester Street will not differ significantly from the existing situation.

7.5.5 The previously-refused application proposed the loss of the small group of trees in the raised planting area to the northern end of the plot. The trees are considered to provide valuable 'greening' in this densely developed urban area along with a resource for local ecology. Unlike the previous submission, the current application includes a detailed Arboriculture Implications Assessment (AIA) which identifies a total of 5 individual trees and a single group of trees have been identified in relation to the proposed development.

7.5.6 The Tree Protection Officer is satisfied with the details of the AIA which includes adequate tree protection measures. The AIA makes reference to an off-site tree which is in poor condition and is identified for removal regardless of any future development of the site. The applicant will be advised to notify the adjacent land owner (Network Rail) of their findings. All other trees are to be retained and afforded suitable protection during the course of the development.

7.5.7 It is considered that the development is an important opportunity to improve planting within the streetscene. Whilst new planting opportunities are limited, it is important in terms of amenity that efforts are made to incorporate new planting. Plans indicate areas of new planting to the northern end of the site and this will be conditioned. Overall it is considered that the submitted scheme has satisfactorily addressed the tree related concerns of the previously refused application.

## 7.6 Noise

7.6.1 The site lies immediately alongside the West Coast Mainline. The railway line sits at a higher level than the application site (approximately 2.4m) and is separated by a narrow public footpath and a substantial retaining wall. The upper floor flats will be located at a similar level to the rail line with only the remaining stone wall between. The railway line lies 5m beyond the retaining wall.

7.6.2 The close relationship to the railway line is acknowledged and the application is accompanied by a Noise and Vibration Report. Vibration from the railway is not considered to be an issue in relation to the development but without mitigation, the rail use both during the day and at night is considered unacceptable. The Environmental Health Officer is satisfied that potential noise impacts from the adjacent railway line will be satisfactorily mitigated against with the provision of 10/12/8.4 glazing with trickle vents or similar, which shall be provided to the windows of the north and south elevations of the building. Subject to the construction and maintenance of the windows in accordance with the details contained within the Noise and Vibration Report (10/12/8.4 acoustic glazing with trickle ventilation) noise levels within the properties are considered acceptable.

7.6.3 Concerns have been raised by the adjoining business owners regarding possible noise complaints from occupants of the new development as a result of their business operations. It is understood that the business, Special Air Sea Services, operates industrial sewing machines which would cause potential noise and vibration impacts. However, this aspect has also been considered by the Environmental Health Officer who is satisfied that the mitigation proposed to address noise impacts from the rail line would also prevent adverse impacts from the neighbouring business operations.

7.6.4 Overall it is considered that subject to appropriate conditions, impacts from noise and vibration from surrounding uses can be satisfactorily mitigated against.

## 7.7 Highways and Parking

- 7.7.1 The issue of parking needs at the site has raised a number of concerns from neighbouring residents. Sylvester Street has resident parking over its full length on the west side fronting the existing houses and a mixture of double yellows and parking bays limited to a maximum of 2hrs for open parking or resident parking run on the east side of the street. The resident parking is controlled by way of permits (Fairfield Zone J, issued by Lancaster City Council).
- 7.7.2 Due to on-street capacity issues and the number of new housing developments being delivered in sustainable, urban locations it was determined (in 2005) that all proposals for new residential development in areas with good links with public transport would be excluded from eligibility for a parking permit. This position still exists.
- 7.7.3 The number of residential flats attracts a maximum parking demand of 2 spaces per unit using the guidance set out in the DM DPD. The scheme would therefore be required to provide a maximum of 8 spaces in line with policy DM22 and Appendix B. However, it is emphasised that the Car Parking Standards set out the *maximum* requirements and given the highly sustainable nature of the site location, as well as the inclusion of cycle storage, the provision of 5 spaces is considered acceptable.
- 7.7.4 County Highways have raised objections, based upon their view that 2 of the spaces are of substandard length and would lead to the potential for parked vehicles to overhang and obstruct the footway. When at right-angles to and contiguous with carriageways, parking bays should be at least 4.8m long x 2.4m wide, and there should be 6m in front of the bays to allow access and an additional 800mm strip at the back to allow for vehicle overhang. However, it is considered that the parking layout accords with the provisions of the Manual for Streets and therefore the proposed parking layout is of an acceptable standard in terms of dimensions. It is not considered that a refusal on highway grounds could be defended at appeal.
- 7.7.5 County Highways have also acknowledged the existing parking pressures on Sylvester Street. However, as occupiers of the proposed development will not be entitled to resident parking permits it is considered that the scheme will not increase pressure or competition for on street parking. Furthermore the loss of the business unit means that there will be fewer business visitors/customers parking in the short stay parking spaces on the east side of the street during the daytime.
- 7.7.6 The point at which the site is accessed for parking will require the relocation of the on-street parking spaces further along the street. The number of on-street parking space will not be reduced and therefore parking provision for existing residents will be unaffected. It is understood that the applicant has liaised with County Highways in respect of the off-site highway works. On balance, it is considered that the proposed on-site parking provision and cycle storage is acceptable.
- 7.7.7 The Public Rights of Way (PRoW) Officer has made comments due to the proximity of Public Footpath No.40 which runs along the eastern side of the site. This part of the footpath is unwelcoming given the proximity of the existing building and the boundary wall to the railway embankment. It is also noted that the surface of the footpath has deteriorated in parts. The PRoW Officer has requested that the surface of the footpath is improved by the applicant as part of the development. Whilst the current application would appear to offer such an opportunity, the footpath is not within ownership of the applicant and does not form part of the site, and therefore a condition cannot be imposed.

## 8.0 Planning Obligations

- 8.1 Not applicable.

## 9.0 Conclusions

- 9.1 The presumption in favour of sustainable development lies at the core of the NPPF (Paragraph 14). Overall the proposed development positively contributes to meeting the District's housing need by providing 4 open market residential units. The site is within a highly sustainable residential area and the local planning authority has worked positively and proactively with the agent in order to achieve an acceptable scheme in terms of design, amenity and parking provision. It is considered that the submission satisfies the requirements of policies DM22, DM35 and DM41.

- 9.2 It is considered that the revised scheme has satisfactorily addressed four of the refusal reasons of the previous submission and the issue of affordable housing which formed the fourth refusal reason is no longer applicable. Whilst limited evidence of marketing has been submitted (more evidence is awaited), it is considered that the scheme wholly accords with the third criteria of this policy in that the benefits of the proposal (housing provision) outweigh the loss of the site for employment purposes. On balance, it is contended that the revised scheme represents a sustainable form of development which can be supported..

### **Recommendation**

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

1. Standard time limit
2. Approved Plans list
3. Tree protection measures in accordance with Arboricultural Implications Assessment, produced by Yew Tree & Garden, dated 06.09.16.
4. Scheme for the disposal of foul and surface water drainage to be submitted pre-commencement
5. Schedule of window/door/roof details (including rainwater goods) to be submitted pre-construction of the building
6. Schedule and samples of all external materials and finishes to elevations and details of surfacing treatments to be submitted pre-construction of the building
7. Landscaping scheme including external lighting to be submitted pre-construction of the building
8. Scheme for making good the exposed elevation of the remaining business unit to be agreed and implemented.
9. Notwithstanding details submitted, details of refuse and secure cycle storage and provision to be agreed (pre-occupation)
10. Landscaping including type and distribution of new trees
11. Noise Condition (10/12/8.4 acoustic glazing with trickle ventilation)
12. Site to be drained on separate systems
13. Hours of construction
14. Car parking provision prior to occupation
15. Standard Contaminated Land Condition
16. Contaminated Land – Importation of Soil, Materials & Hardcore

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None



Agenda Item A8	Committee Date 6 March 2017	Application Number 16/01136/FUL
<p align="center"><b>Application Site</b></p> <p align="center">Land Opposite 26 To 48 Lancaster Road Overton Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of 32 dwellings with associated access, internal roads, open space and landscaping</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Messrs Hancock &amp; Grantham</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Dan Ratcliffe</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">Extension of time agreed to the 14th March 2017</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Awaiting submission of amendments and further information from the applicant following initial requests back in mid-October from the Case Officer.</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>Approval - subject to the submission of satisfactory amendments</p>	

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

- 1.1 The site that is the subject of this application relates to a 1.62 hectare parcel of agricultural land located within the settlement of Overton. The site comprises two fields of semi-improved grassland with a hedgerow running between the fields. The site to the north, west and south is bounded by hedgerows, and to the east by hedgerows punctuated by elder and willow trees. There is a mature oak tree in the hedge on the southern boundary. There is a gate to each field giving egress from and access to Lancaster Road.
- 1.2 Existing residential development is adjacent to the site to the north and to the west of Lancaster Road. There is a mix of styles (bungalows, dormer bungalows and two storey dwellings) predominantly constructed of brick, stone and render with slate or grey tile roofs. Overton St Helen's Church of England Primary School and playing fields are located to the south of the site with agricultural land extending to the east. The site gently falls towards the north and east to approximately 6.5m Above Ordnance Datum (AOD). The elevation at Lancaster Road is approximately 9.5m AOD.
- 1.3 The site is largely unconstrained. There are no landscape designations affecting the site or designated heritage assets on and within close proximity to the site. Overton Conservation Area is located to the south of Overton Primary School circa 130m from the site. The majority of the site falls within Flood Zone 1, with only the north eastern edge of the site falling within Flood Zone 2. There are no public rights of way or protected trees affected by the proposals.
- 1.4 The application site is approximately 660m from the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) which is a European Site. The site is also listed as Morecambe Bay Ramsar Site and also notified at the national level as the Lune Estuary Site of Special Scientific Interest. The nearest non-statutory designation is the Middleton Marsh Biological Heritage Site (BHS) which is 1000m to the north west.

**2.0 The Proposal**

- 2.1 Full planning permission is sought for the erection of 32 new dwellings with gardens and parking, open space, internal roads and a new access. Twelve dwelling units are proposed as affordable dwellings on site.
- 2.2 Seven of the proposed dwellings have their accesses proposed directly off Lancaster Road. The remaining 25 are arranged around a cul-de-sac. Access would be taken opposite 32-36 Lancaster Road. The existing accesses to the site will not be retained. The development comprises four 2-bed detached bungalows, twenty 2-bed semi-detached bungalows and eight 3-bed semi-detached houses. Detached garages and driveways set back into each plot are proposed, providing a minimum of two parking spaces per unit. The proposed palette of materials are natural stone and render with slate-grey tiles.
- 2.3 The scheme incorporates three areas of open amenity space on site. A small area to the south of the proposed access, a larger areas opposite plots 25-29 and a further area adjacent to plot 17 in the north eastern corner of the site. This area also incorporates a flood attenuation pond as part of the sites surface water drainage strategy.
- 2.4 To facilitate the development a total of 235m of existing hedgerow is proposed for removal. This includes the hedgerow intersecting the two fields and the western field boundary hedgerow which runs alongside Lancaster Road. A low stone wall is proposed along the site frontage.

**3.0 Site History**

- 3.1 The site has been subject to two previous applications for planning permission. The first was an application for outline planning consent for 30 dwellings (Ref: 14/00634/OUT) which was withdrawn during the validation stage and was not considered. A later full application (Ref: 15/01156/FUL) was withdrawn before being reported to Committee on the 8<sup>th</sup> February 2016. This application had been recommended for refusal on two grounds: 1) inappropriate and inadequate assessment of flood risk and 2) insufficient information submitted to demonstrate the development would not lead to likely significant effects on the nearby conservation designations (Morecambe Bay SPA/SAC/RAMSAR).
- 3.2 The site has been identified in the 2015 Strategic Housing Land Availability Assessment (SHLAA) as site number Number 568. The SHLAA considered the site a deliverable site with the potential to deliver 50 dwellings in the second phase of the plan period (6-10 year phase).
- 3.3 A separate Screening Opinion (14/00718/EIR) and formal pre-application advice (15/00312/PRETWO) have been previously provided. The Screening Opinion concluded that the residential development of 30 dwellings would not constitute Environmental Impact Assessment (EIA) development. The thresholds for screening residential development under the EIA regulations have been raised since the earlier Screening Opinion was adopted, meaning that the development now, which is not located within a Sensitive Area, would not be required to be screened to determine whether an environmental impact assessment is required under the Directive.

**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>Insufficient information to assess the appropriateness of the access and sightlines and to provide full highway comments. The following was requested (back in mid-October):</p> <ol style="list-style-type: none"> <li>1) To reduce the visibility splay, traffic speed surveys would need to be undertaken for further consideration by the Highway Authority; and,</li> <li>2) Off-site works involving the creation of a footway along the site frontage towards the school would enable the visibility splays to be provided and provide a safe walking route towards the school from the site. This could also</li> </ol>

	reduce vehicle speeds travelling along Lancaster Road – a plan is required to illustrate these works and viability sprints.
<b>Parish Council</b>	<b>No objections</b> in principle subject to the following concerns/observations: <ul style="list-style-type: none"> <li>• Conditions should be imposed to ensure properties facing existing property on Lancaster Road are set at a lower level to prevent overlooking;</li> <li>• The proposed pond should be removed, as it is a hazard;</li> <li>• Dwellings to Kevin Grove should be single storey to match;</li> <li>• A mini roundabout should form the entrance and a footway from the site frontage should be extended to the school and a zebra crossing provided.</li> <li>• The drainage system is at capacity so the development should ensure no additional load to existing Lancaster Road system;</li> <li>• The development results in an 8% increase in number of dwellings in the village. The village play park will be under extreme pressure so there should be a contribution to the provision of additional facilities in Overton.</li> </ul>
<b>County Education</b>	<b>No objections</b> subject to an education contribution of £60,727.18 towards 1 secondary school place and 3 primary school places.
<b>Strategic Housing Officer</b>	<b>Concerns</b> raised over the mix of house-type for the proposed affordable housing units. An affordable housing scheme which is being delivered purely in the form of bungalows may not be attractive for a Registered Provider to acquire. A greater mix of house types and sizes for social rented and intermediate housing is required.
<b>Natural England (NE)</b>	<b>No objections.</b> Concurs with the conclusions of the authority's Habitat Regulations Assessment and its recommendations.
<b>Greater Manchester Ecology Unit (GMEU)</b>	<b>No objections</b> to the proposal in respect of protected species subject to a condition restricting the removal of hedgerows to avoid the bird breeding season.
<b>Environmental Health Service</b>	<b>No objections.</b> Standard contaminated land conditions recommended.
<b>Lead Local Flood Authority</b>	<b>No objections</b> subject to following conditions: <ul style="list-style-type: none"> <li>• Development to accord with the Flood Risk Assessment (FRA)</li> <li>• Surface water drainage scheme to be provided</li> <li>• Maintenance and management of surface water drainage scheme</li> </ul>
<b>United Utilities</b>	<b>No objections</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Foul and surface water to be drained on separate systems</li> <li>• Surface water drainage scheme</li> <li>• Surface water drainage management and maintenance</li> </ul>
<b>Environmental Agency</b>	<b>No objections.</b>
<b>Tree Protection Officer</b>	<b>Objection</b> to the loss of 235m of hedgerow (western boundary and internal hedgerow) and concerns over impact on root protection area of retained oak tree to south of site.
<b>Public Realm Officer</b>	<b>No objections</b> subject to on-site and off-site Public Open Space provision/contributions. Advise that 465m <sup>2</sup> of amenity space should be provided on-site with off-site contributions of approximately £85,635 towards children's play, young people's facilities, outdoor sports facilities and parks and gardens. The Public Realm Officer advises that the Parish should identify the needs.
<b>Lancashire Constabulary</b>	<b>No objections</b> subject to the following security recommendations: <ul style="list-style-type: none"> <li>• Layout – focus on one vehicle access route and limited footpaths</li> <li>• Public Open Space – should have natural surveillance</li> <li>• Windows/doors to meet enhanced security standards in accordance with Building Regulations</li> <li>• Dwellings designed to Secure-by Design Standards</li> <li>• Boundary fences fitting with 1.8m high fencings</li> <li>• Houses fitted with intruder alarms and security lighting</li> </ul>
<b>Dynamo</b>	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>• The development lacks any sustainable transport measures to promote travel by cycling in particular.</li> <li>• Overton has few amenities and therefore everyday activities will involve a journey – in the absence of anything to promote sustainable travel the</li> </ul>

	development will increase traffic on increasingly busy roads and would be contrary to the NPPF.
<b>Lancashire Fire Service</b>	Advice for the development should meet the requirements of Part B5 (Access) of the building regulations.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report, 19 letters of objection have been received. The main planning reasons for opposition are summarised as follows:

- Absence of services in village to cope with the impacts of further development, including lack of things for young people to do, lack of shop, satellite post office, one closed public house, an oversubscribed school and poor bus service;
- Additional development places pressure on existing services (drainage/sewerage/roads);
- Disputes the need for more housing in the village and impact on village character;
- Highway safety concerns, including inappropriate and dangerous access, number of drives proposed off Lancaster Road increasing risk to pedestrians, increased traffic close to school, parking congestion problems will be exacerbated and concerns over construction traffic;
- Loss of agricultural, greenfield site;
- Impact on biodiversity and loss of hedgerows;
- Impact on neighbouring residential amenity, including loss of privacy, loss of light, increased noise and pollution;
- Loss of privacy of children at the village school;
- Concerns over flood risk, including ground water and surface water drainage problems being exacerbated on Lancaster Road and absence of information to demonstrate surface water can drain with no impact elsewhere;
- Concerns over consultation and the precise details of the application.

A further letter has been submitted stressing that if the road width is narrowed as suggested by the highway authority to provide a footway, this would have an adverse effect on the safety of the road given its used by large agricultural vehicles.

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

### **6.1 National Planning Policy Framework**

Paragraphs 7, 12 and 14 – Achieving Sustainable Development

Paragraph 17 – Core Principles

Paragraphs 32, 34, 35, 36, and 39 – Promoting Sustainable Transport

Paragraphs 47, 49, 50 and 55 - Delivering High Quality Homes

Paragraphs 56, 57, 58, 60, 61, 62, 64, 65, 66) – Requiring Good Design

Paragraphs 69, 70, 72 and 73 – Promoting Healthy Communities

Paragraphs 100 – 104 – Flood Risk

Paragraph 109, 112, 118, 119, 120 and 121 – Conserving the Natural Environment

Paragraph 120 - 125 – Land contamination, noise and light pollution and air quality considerations

Paragraphs 187 – Decision Taking

Paragraphs 188 – 190 – Pre-application Engagement

Paragraphs 196 -197 – Determining Applications

Paragraphs 203, 206 – Planning Conditions

### **6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan.

If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### 6.3 **Lancaster District Core Strategy**

- SC1 Sustainable Development
- SC3 Rural Communities
- SC4 Meeting the Districts Housing Requirements
- SC5 Achieving Quality in Design
- SC6 Crime and Community Safety
- E1 Environmental Capital
- E2 Transportation Measures

### 6.4 **Development Management Plan DPD**

- DM20 Enhancing Accessibility and Transport Linkages
- DM21 Walking & Cycling and Appendix B (Car Parking Standards)
- DM22 Vehicle Parking Provision
- DM23 Transport Efficiency and Travel Plans
- DM26 Open Space
- DM27 Protection and Enhancement of Biodiversity
- DM28 Development and Landscape Impact
- DM29 Protection of Trees, Hedgerows and Woodland
- DM35 Key Design Principles
- DM38 Development and Flood Risk
- DM39 Surface Water & Sustainable Drainage
- DM41 New Residential Dwellings
- DM42 Managing Rural Housing Growth
- DM48 Community Infrastructure

### 6.5 **Other Material Considerations**

- Meeting Housing Needs Supplementary Planning Document (SPD) (February 2013)
- Housing Land Supply Statement (September 2015)
- National Planning Policy Guidance (NPPG)
- Strategic Housing Land Availability Assessment (SHLAA, 2015)
- The Conservation of Habitats and Species Regulations 2010 (as amended)
- The Wildlife and Countryside Act 1981 (as amended)

## **7.0 Comment and Analysis**

7.1 The principal planning considerations are as follows:

- 7.1 Principle of development
- 7.2 Contribution towards housing needs
- 7.3 Highway considerations
- 7.4 Design, scale, layout and amenity considerations
- 7.5 Biodiversity considerations
- 7.6 Flood risk and drainage

7.1 **Principle of Development**

7.1.1 National and local planning place sustainable development at the heart of planning decision-making, requiring developments to be sustainably located close to services and facilities and to offer genuine transport modal choice. Adopted DM DPD Policy DM42 now identifies Overton as a sustainable settlement where new housing could be supported in principle. The site is within close proximity to local services as set out in the table below and is served by an hourly bus service between Overton and Carnforth (No.5 Service), via Heysham and Morecambe providing access via public transport to the urban areas for healthcare, secondary education, employment and supermarkets.

<b>Services</b>	<b>Approximate distance to local services (taken from centre of site frontage)</b>
School	158m
Play Area	196m
Memorial/Parish Hall	420m
Public House	330m
Bus Stop	416m

7.1.2 On this basis, the principle of the development is acceptable provided the proposal complies with the general requirements set out in DM42 (referred to as the policy tests below), which requires proposals to be:-

- 1) Be well related to the existing built form;
- 2) Be proportionate to the existing scale and character of the settlement;
- 3) Be located where the environment and infrastructure can accommodate impacts of expansion; and,
- 4) Demonstrate good siting and design and where possible enhance the character and quality of the landscape.

7.1.3 Whilst the site is greenfield, and preference is for developing brownfield sites, these fields would constitute a natural infilling of the village with residential development bordering the northern boundary of the site, Lancaster Road and dwellinghouses to the west, and the school and associated recreational grounds to the south. The development abuts agricultural land to the east but does not extend beyond the furthestmost eastern part of the built-up part of the village to the north (Kevin Grove). As a consequence, the proposed development does not constitute an inappropriate extension of the village boundaries or a disproportionate expansion of the settlement, and therefore it satisfies the first two policy tests of DM42. Assessment of the third and fourth policy tests follows later in this report; in particular consideration of the impacts of the proposal on the natural environment and existing infrastructure (highways, open space and drainage).

7.2 **Contribution to Housing Needs**

7.2.1 The application proposes 12 affordable units on site which is considered an acceptable provision in line with the requirements of DM DPD Policy DM41 (which requires up to 40% affordable housing on greenfield sites). The submission indicates that all the affordable units would be two bedroom properties (bungalows) comprising 50% social rented and 50% intermediate housing. The Council’s SPD Meeting Housing Needs indicates that the affordable housing need in ‘other rural settlements’ (which would include Overton), for social rented units would be predominately four bedroom and some three bedroom dwellinghouses. There is no specific evidence for shared ownership units in the rural areas. In the case of market housing needs, the Council’s SPD indicates that in ‘*other rural settlements*’ predominately detached and some semi-detached four and three-bedroom dwellings should be provided. In light of our housing needs evidence, the proposal currently fails to provide a suitable mix of housing types that would meet the local market and affordable housing needs.

7.2.2 Whilst there is no objection to the provision of some bungalows (as this clearly responds to some of the built form surrounding the site), the proposal needs to provide a better housing mix to ensure the local housing needs are met and to attract a registered provider to deliver the affordable units. Subsequently, amended plans are imminent, providing a better mix of housing types and sizes, especially in relation to the affordable housing units. A verbal update will be provided.

7.2.3 Subject to the receipt of satisfactory amended plans, the proposal will positively contribute to the delivery of housing in the district. This carries significant weight in the determination of the application as the Council currently cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, it is accepted that the presumption in favour of housing applies and that such proposals should be favourably considered unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

### 7.3 **Highway Considerations**

7.3.1 Despite concerns raised about the poor bus service, the village is currently regarded a sustainable village in the Development Plan where housing can be supported. The principal highway considerations therefore relate to the provision of a safe and suitable access to the site and that pedestrian connectivity within the site and towards the village is equally safe and suitable.

7.3.2 Along the site frontage, Lancaster Road is relatively wide, illuminated, with a singular contiguous footway along the westerly extent of the carriageway. On-street parking is available in front of properties facing Lancaster Road opposite the application site. Lancaster Road, in the vicinity of the application site, is heavily-trafficked during the drop-off and pick-up peak times associated with the nearby primary school. Whilst there may be concern that additional properties would add to the congestion in and around the site during those peak times, the fact that the development will considerably reduce the opportunities for parking on one side of the road (due to the proposed location of new residential driveways) should mean that parental parking during school times is dispersed elsewhere in the village – including within the new estate roads. Outside these peak times, Lancaster Road does not appear to present any regular severe highway/traffic problems. The Highway Authority are yet to provide full comments on the proposal, however, previously (under 15/01156/FUL) they indicated that the level of traffic likely to be generated was unlikely to have a noticeable effect on the local highway network and that there was no objection in principle.

7.3.3 Access to the site comprises a combination of a single vehicular access point and seven private drives taken directly off Lancaster Road. The provision of private drives is reflective of the existing access and parking arrangements associated with the properties facing Lancaster Road opposite the proposed site. Whilst this arrangement results in the loss of the roadside hedgerow and a number of individual access points off Lancaster Road, it does allow the scheme to appropriately respond to the streetscene with a strong building line and frontage.

7.3.4 The main vehicular access proposed is located opposite 32-38 Lancaster Road. The access currently has a large radius with the carriageway narrowing to a 5m wide carriageway with 2m wide footways either side of the internal spine road. Visibility splays requested by the Highway Authority under the previous application were stipulated at 2.4m x 73m. These are significant sightlines given that a 20mph limit is imposed on this stretch of Lancaster Road, however, the requirements were based on the County's own traffic speed data. The applicant has not sought to undertake any further traffic speed surveys to reduce the required splays.

7.3.5 The submitted plans did not initially indicate the visibility splays on the drawings. Amended plans were received to remedy this, however, it was apparent that the sightlines impinged third party land to the south. In the absence of further traffic speed data to consider a reduction to the sightlines, the access proposed is unacceptable. To address this and to maintain the proposed sightlines, the applicant has indicated in the Planning Statement (but not on plan), that the proposal will create a new section of footpath to the east side of Lancaster Road along the site frontage towards the school. County Highways had suggested that Lancaster Road has sufficient carriageway width to accommodate this, whilst accommodating the on-street parking on the western side, though a plan (indicating that these works are achievable and that the sightlines can be provided) would be required before determination. The applicant has also been asked to reduce the access geometry so that the proposed entrance to the site is less suburban in appearance. The applicant is due to submit a revised site plan and detailed access plan showing the off-site highway works and access sightlines before the meeting. The Highway Authority will be consulted on this revised information and a verbal update will be provided.

7.3.6 If the applicant can demonstrate the access and sightlines are achievable through the off-site works proposed, this should be acceptable and will improve pedestrian provision between the site and the village amenities. The off-site works and the reduction to the carriageway width will inevitably reduce

vehicle speeds passing through the village too. Subsequently the receipt of a satisfactory amended plan and access drawing, it is anticipated that the proposal would not have an adverse impact on the operation of the local network or highway safety.

7.3.7 The level of parking proposed is acceptable and complies with planning policy. Cycle provision would be expected within the curtilage of each unit most likely within the garages proposed, though amendments have been sought to increase the garage dimensions to better cater for cycle provision.

### 7.4 **Design, Scale, Layout and Residential Amenity Considerations**

7.4.1 The submitted proposal provides a strong frontage to Lancaster Road, which despite the loss of the roadside hedgerow, appropriately responds to the character and built form in the area. The principle of a number of units having their drives off Lancaster Road then a cul-de-sac serving the remaining units is considered acceptable in design terms, as is the use of natural stone, render and grey roof tiles. The Case Officer has, however, raised a number of design and layout concerns in relation to the submitted scheme, most notably the position of Plot 23 to the retain oak tree; opportunities for the retention of the internal hedgerow (or part of it); the design and appearance of the proposed housetypes; lack of garden depth to some units; internal road alignment and site entrance being overly suburban in appearance; inappropriate position of a number of drives to the south of the entrance, and; lack of boundary details to consider the relationship with the school in particular. With regards to residential amenity, despite comments to the contrary, the current layout provides an acceptable degree of separation (and protection of residential amenity) between new and existing properties having regard to the scale of the proposed units in relation to the neighbouring mix of existing dormer bungalows and two-storey dwellings as well as the sites topography. This will need to be reviewed once amended plans are submitted.

7.4.2 In terms of on-site open space and landscaping, the current layout provides a suitable amount of open space within the scheme although its disaggregation across the site limits the practicality of the space for kick-about areas. The space identified to the far eastern part of the site currently incorporates a pond (as part of the drainage strategy) which limits the useable space further and the other locations are positioned close to the access which raise some safety concerns subject to how these areas are secured (fenced). There are no objections to the incorporation of a number of areas of open space and landscaping provided one area provides 465m<sup>2</sup> of useable and safe amenity space. This is currently provided to the end of the cul-de-sac. The location is not great as there is limited natural surveillance in this location, however, it is not regarded so unacceptable in planning terms to resist the application on this basis. However, it is hoped that the location of open space is re-considered alongside the other revisions due to be submitted.

7.4.3 Whilst the site provides a logical infill to the settlement, it is located within designated 'Countryside Area' (as is the rest of the village). Saved policy E4 therefore requires proposals to be in scale and in keeping with the natural beauty of the landscape and be appropriate to its surroundings. This is echoed in the relevant design-related policies set out in the Development Plan (Core Strategy policies SC5 and E1 and DM35 and DM42 of the DM DPD). Overall, design is considered to be a key aspect of sustainable development and that development proposals should make a positive contribution to the surrounding landscape by responding to local character and identity; that are visually attractive, and; establish a strong sense of place. Planning policy also requires new development to provide a good standard of amenity for all. As the application stands, there are elements of the design that fail to meet these policy requirements. The applicant is in negotiations with the case officer and amendments are due to be provided in advance of the committee meeting to resolve these concerns. Subject to the receipt of satisfactory amended plans, it is anticipated that an appropriate design and layout can be achieved on this site that would also ensure residential amenity for future and existing residents is protected.

### 7.5 **Biodiversity Considerations**

7.5.1 The main considerations relate to the potential impacts of the proposal on the integrity of the nearby European Sites (Morecambe Bay SPA/SAC) and the potential impacts on protected species.

7.5.2 In both cases it is recognised that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. This is reflected in both national and local planning policy. The application site relates to a relatively



large greenfield site within 700m of Morecambe Bay SPA/SAC/RAMSAR, which is designated for its international importance for birds. Because of this close relationship the development is considered to have some potential to impact the special interests of the European Site (namely birds) and assessment of the developments is therefore required under the terms of the European Habitats Directive.

- 7.5.3 The application has been supported by a detailed ecological appraisal and assessment to address the requirements of the Habitat Regulations. As part of this assessment, the potential effects are considered to be an increase in disturbance and loss of grassland habitat. With regards to disturbance, given the proximity of the city of Heysham and Lancaster and the popularity of walking in the area, the size of Morecambe Bay SAC/SPA/Ramsar site and its agricultural hinterland, it is considered highly unlikely that there will be significant effects on the integrity of the European sites as a result of the increase in disturbance due to people pressure generated by this proposed development (estimated at 74 people around 650m from the perimeter of the protected area).
- 7.5.4 With regards to loss of grassland, the applicant's assessment concludes no loss of breeding sites for Annex I breeding birds associated with Morecambe Bay SPA and the loss of the site as roosting and foraging habitat is considered highly unlikely to have a significant effect on the qualifying bird species utilising the SPA on the basis that the loss of the proposed site would be a tiny fraction of potential roosting/foraging habitat outside the SPA and its agricultural hinterland.
- 7.5.5 In accordance with the Habitat Regulations, the Council (as the competent authority) has undertaken a Habitat Regulations Assessment (HRA) taking into account to the applicant's submission and Natural England's previous concerns (under the withdrawn application). The HRA concurs that the proposal would lead to potential indirect disturbance to birds using inland sites. However, it concludes that given the application site is adjacent to a main road and is immediately adjacent to existing development and the fact the site is bonded and bisected by hedgerows - factors that mitigate against its use by over-wintering birds – and that there is extensive alternative 'greenfield' agricultural habitat available to the birds in the immediate vicinity of the site, on balance the loss of the site for use as an inland refuge and feeding resource by birds will not have a significant effect on the special nature conservation interest of the European Site.
- 7.5.6 The HRA considers the proposal in combination with other projects and also concludes that this small-scale development will not have any cumulative impacts with other local development on the special interest of the European Site, though does acknowledge that the cumulative impacts may need to be updated and amended as further projects come forward to take account of possible 'in-combination' disturbance, particularly for housing development within Lancaster City. Notwithstanding the conclusion that the application will not have any significant impact on the special interests of the European Protected Sites, to limit recreational disturbance on the SPA/RAMSAR, the preparation and approval of homeowners packs highlighting the sensitivity of Morecambe Bay to recreational disturbance should be required by condition.
- 7.5.7 Natural England have considered the application and the HRA and have raised no objections to the proposal. Natural England concur with the conclusions of the HRA and are satisfied that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination, subject to ensuring new boundary treatments ensure larger fields are not disturbed and that homeowner packs are prepared and provided to new occupants to provide information on how to minimise recreational disturbance impacts.
- 7.5.8 With regards to impacts on protected species the appraisal submitted found no evidence of protected species on the site but has made a number of recommendations including the following:
- Semi-mature oak tree to be retained;
  - Landscaping to utilise plants which are native and wildlife friendly;
  - Hedgerows to be retained and where removed to facilitate the development, they should be transplanted or replanted;
  - Precautionary mitigation measures for protected species during construction.

Our ecology consultant (GMEU) has raised no objections to the proposal subject to a condition ensuring no removal or works to any hedgerows, trees and shrubs during the main bird breeding season (1st March – 31st July inclusive). Appropriate tree protection and landscaping proposals (controlled by condition) should ensure no adverse impact to the biodiversity of the site. GMEU

have advised that the precautionary mitigation is genuinely precautionary and given the absence of protected species on site, such mitigation would not be necessary in planning terms.

7.5.9 The proposal does result in a significant loss of hedgerow and as such there is an objection from the Council's Tree Protection Officer, who has also raised concerns over the layout of plot 23 in relation to the retained oak tree. It is anticipated amended plans will address this latter point. However the western hedgerow to Lancaster Road is unlikely to be retained given the proposed access arrangements and layout. The provision of the individual drives and the strong building frontage is supported from a wider urban design perspective, but is to the detriment of the natural environment. Policy DM29 requires development proposals to positively incorporate existing trees and hedgerows within new development. In this case, the hedgerows to the north, south and east, including the oak tree will be protected (and conditioned to do so). The loss of the hedgerows to the west and through the centre of the site will need to be mitigated against as part of the overall landscaping of the site. This is capable of being addressed by planning condition.

### 7.6 **Flood Risk and drainage considerations**

7.6.1 The application has been submitted by a Flood Risk Assessment. The majority of the site lies within flood zone 1 where development is regarded acceptable and at the lowest risk of flooding. The north eastern corner of the site is the lowest part of the site and falls within flood zone 2. The development accounts for this by not proposing any dwellings in this area and utilises this area as open space. To mitigate potential risks, the minimum finished flood levels are recommended at 8.07m AOD, which is lower than the access to Lancaster Road (9.5m AOD). There are no objections from the Environment Agency regarding flood risk.

7.6.2 In terms of drainage, the proposal incorporates an outline drainage strategy which seeks to adopt a sustainable drainage system (designing to greenfield run-off rates with on-site attenuation). This suggests infiltration methods such as soakaways may be feasible but if not there is a ditch to the eastern boundary and at worst discharge to the sewer, in line with the SuDS hierarchy. Despite the Lead Local Flood Authority (LLFA) raising no objections to the proposal, the case officer has sought further information to evidence that a sustainable drainage system could be feasible on the site and that the proposed layout has taken account of on-site drainage requirements, such as attenuation. The agent has advised that further site investigations have been undertaken to inform a more detailed drainage strategy for the site. The details of this are due to be submitted with the amended proposals. Upon receipt of the amended plans/details, further consultation will be carried out with the LLFA and a verbal update will be provided. Assuming the applicant can evidence that the site can drain without causing a flood risk on site or elsewhere, the precise details will be capable of being conditioned.

7.6.3 Despite concerns to the contrary, the application proposes to discharge foul drainage to the main sewer. United Utilities have raised no objections to this.

### 7.7 **Education and Public Open Space Considerations**

7.7.1 DM DPD Policy DM48 recognises that future development within the district places pressure and demands on existing infrastructure such as schools and open spaces for example. In order to accommodate sustainable growth within the district, development proposals should contribute towards improvements to existing facilities/infrastructure (where pressures/demands are identified). Failure to provide appropriate mitigation could lead to adverse impacts and therefore threaten the overall sustainability of the proposal. In this case, the application has generated a request from Lancashire County Council, as the Education Authority, for a financial contribution towards 1 secondary school place and 3 primary school places to mitigate the impacts of the proposed on the education infrastructure in the area. The applicant has agreed to provide this contribution.

7.7.2 With regards to public open space, the application incorporates an acceptable level of amenity green space on site. The scale of development is below the thresholds of children's play provision on site or young people's play. However there would be an expectation for a financial contribution towards off-site facilities. Policy DM26 indicates that development proposals located in areas of open space deficiency will be expected to provide appropriate contributions towards open space and recreational facilities. At this time the only area of recognised deficiency within the village is for young person's play provision and outdoor sports facilities. The existing children's play area is in good condition and fully equipped. Officers have been in negotiations with the applicant regarding the prospects for young person's play provision on-site. However, it is contended that the amount of space required for young person's play provision would result in a significant reduction to the scale of the

development and that for a small scheme of only 32 houses this would be a disproportionate request. Alternatively, it has been agreed that an off-site contribution should be directed towards the existing football pitch, playing fields and tennis courts on Middleton Road to provide opportunities to enhance existing sports facilities in the local area (serving both Overton and Middleton) for young people.

### 7.7.3 Conditions

Subject to the submission of appropriate amended plans and supporting information, the recommendation below sets out a number of conditions which are considered appropriate in order to secure good design and sustainable development in this countryside location. The removal of some permitted development rights may need to be imposed to ensure adequate protection of residential amenity and to ensure the scheme delivers a high-quality design. The drainage proposals (TBC) may also implicate some permitted development rights. This will be assessed upon receipt of the amended plans. The list of conditions below takes account of recommendations from consultees, the outcome of the HRA and the advice set out in paragraphs 203 and 206 of the NPPF and the NPPG, which ultimately requires conditions requiring further information to be agreed after the grant of planning permission (in the event this is the case) to be justified, in order to prevent unnecessary delay to the efficient and effective delivery of development.

## 8.0 Planning Obligations

8.1 A Section 106 Agreement is necessary to make the development acceptable in planning terms. The following details are required:

- Twelve dwellings to be provided on site as affordable dwellings. The precise location, housing type and tenure mix to be agreed as part of the terms of the obligation (submission of an affordable housing scheme). The affordable housing scheme should provide a tenure mix of 50% social rented and 50% intermediate housing in accordance with the Meeting Housing Needs SPD.
- Financial contribution of **£60,727.18** to fund 3 primary school places and 1 secondary school place.
- Public open space - the provision of amenity space on site in accordance with the site plan and an off-site financial contribution to the sum of **£41,466** towards improvements to local outdoor sports facilities (Middleton playing fields and tennis courts).
- Management and maintenance of on-site amenity space and on-site surface water drainage.

## 9.0 Conclusions

9.1 Subject to the submission of satisfactory amendments, the proposed development is located in one of the district's identified rural settlements where housing proposals can be supported; it is anticipated that the amended proposals and supporting information will secure a suitable design and layout without leading to any adverse impacts to the natural and built environment, and; that appropriate mitigation can be secured to minimise the impacts of the proposal on the nearby nature conservation sites. The scheme will provide affordable and market homes that will positively contribute to the shortfall of housing in the district and will mitigate the impacts of increased pressure on the village through the provision of contributions towards education and public open space. On this basis, it is anticipated that there will be no adverse impacts that would significantly or demonstrably outweigh the benefits of the proposal and that the presumption in favour of sustainable development should be engaged. Subsequently, Members are advised that if the amendments are acceptable planning permission should be supported.

## Recommendation

Subject to the submission of amended plans and supporting information, that Planning Permission **BE GRANTED** subject to a legal agreement to secure 12 affordable housing units, on-site public open space, an education contribution, a contribution towards existing public open space and management and long term maintenance of on-site open space, landscaping and drainage proposals and the following conditions:

1. Standard Time Limit
2. Approved Plans List (TBC)

## **Pre-commencement**

3. Site Investigation (contamination)
4. Drainage scheme to be agreed (TBC) and implemented in full before occupation
5. FFL for units and finished ground levels of roads, gardens and landscape areas
6. Scheme for mitigation as set out in the HRA

## **Pre-construction of dwellings**

7. Landscaping scheme including details of open space and external hard surfacing (having regard to recommendations of submitted ecological appraisal)
8. Samples of external facing materials (including stonework), window and door details (including recess), roofing details (eaves/verge and ridge including rain water goods)
9. Boundary details to be provided (unless submitted with amended plans – TBC) and boundary treatment to be provided before occupation and retained at all times

## **Pre-occupation**

10. Importation of materials (contaminated land condition)
11. Maintenance and management of surface water drainage scheme
12. Car parking to be provided and made available for the parking of cars before occupation of each dwelling

## **Control conditions**

13. Foul and surface water to be on separate systems
14. Development to be carried out in accordance with FRA
15. Tree Protection
16. Restriction of timing of hedgerow removal/alterations/works to avoid bird breeding season
17. Removal of PD rights (precise classes TBC subject to drainage proposals and amendments TBC)
18. Protection of visibility splays (TBC)
19. Off-site highway works to be provided in full (as shown on approved plans) before first occupation unless otherwise agreed in writing with the LPA.

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm that it has made this recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None

<p><b>Agenda Item</b></p> <p>A9</p>	<p><b>Committee Date</b></p> <p>6 March 2017</p>	<p><b>Application Number</b></p> <p>16/01617/VCN</p>
<p><b>Application Site</b></p> <p>Arna Wood Farm East Arna Wood Lane Lancaster Lancashire</p>	<p><b>Proposal</b></p> <p>Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm (pursuant to the variation of condition 2 on planning permission 14/00907/FUL to amend the plans, including the alteration to the design and position of the substation, alteration of the site layout and siting of buildings to house transformers)</p>	
<p><b>Name of Applicant</b></p> <p>Canadian Solar UK Projects Ltd</p>	<p><b>Name of Agent</b></p> <p>Mr Alasdair Adey</p>	
<p><b>Decision Target Date</b></p> <p>7 April 2017</p>	<p><b>Reason For Delay</b></p> <p>None</p>	
<p><b>Case Officer</b></p>	<p>Mrs Eleanor Fawcett</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval subject to no objections raised by Environmental Health</p>	

**1.0 The Site and its Surroundings**

- 1.1 This application relates to an area of land located approximately 2.3km to the south west of the centre of Lancaster and approximately 600m to the south of the small settlement of Aldcliffe. It is accessed from Arna Wood Lane which also serves seven dwellings and has an exit from the United Utilities Waste Water Treatment Works (WWTW). The site is on the western side of the highway and comprises two fields and part of a larger field with a site area of approximately 10 hectares. To the west is the Lune Estuary and a multi-use path which runs adjacent to this and the site boundary. The land is relatively level close to the western boundary but then rises up towards the highway to the east. The field boundaries are generally delineated by managed hedges and occasional small clumps of mature trees.
- 1.2 The nearest residential properties are located at Arna Wood Farm and Low Wood, approximately 90m east and 35m south west, respectively, of the site. There is also a small hamlet, Stodday, located approximately 470m to the southeast and a Grade II Listed Building, Lunecliffe Hall, approximately 600m to the east. The WWTW are located approximately 10m to south of the site, at its closest, and there is a line of electricity pylons just beyond the Works which cross the Estuary in a northwest direction. In addition to the Lune Estuary Footpath to the west of the site, there is a public right of way crossing a field, from this path, approximately 120m to the north of the site.
- 1.3 The Lune Estuary is designated as a Site of Special Scientific Interest (SSSI) and is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. A small part of the site is located within Flood Zones 2 and 3 and a Mineral Safeguarding Area. The site is also within the Countryside Area, as identified on the Local Plan Proposal Map.

**2.0 The Proposal**

2.1 Planning permission has been previously granted for the installation of a solar farm on this site. This application seeks consent to make some minor alterations to the scheme, mainly to the layout. The main alterations involve: the repositioning of the both the operators substation and electricity distributor’s substation into the northeast corner of the site from a separate piece of land to the southeast; construction of two new buildings towards the centre of the site to house transformers and inverters, referred to as ‘power stations’ in the submission; siting of a single CCTV camera on a wooden pole close to the substation; reduction in the amount of access track within the site and repositioning of this from the boundary into the central area; and a minor repositioning of solar panels and a reduction in their height.

**3.0 Site History**

Application Number	Proposal	Decision
14/00907/FUL	Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm	Approved

**4.0 Consultation Responses**

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

Consultee	Response
<b>Environmental Health</b>	No comments within the consultation period at the time of compiling this report. Any comments will be verbally reported.
<b>Tree Protection Officer</b>	<b>No objections.</b>
<b>County Highways</b>	<b>No objections.</b>
<b>Natural England</b>	<b>No comments to make</b> on the alterations to the scheme layout. Comments awaited in relation to the changes to the mitigation measures relating to timing of works.
<b>Lancashire Fire and Rescue Service</b>	<b>Comments</b> - It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 ‘Access and facilities for the Fire Service’.
<b>Ramblers Association</b>	No comments received within the consultation period.

**5.0 Neighbour Representations**

5.1 5 pieces of correspondence have been received objecting to the application and raise the following concerns:

- Noise implications from power stations/ transformer buildings and substation on residential amenity and wildlife
- Visual impact of additional buildings and lack of screening shown on submitted plans

**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 56, 58 and 60 – Requiring Good Design
- Paragraphs 93, 97 and 98 – Delivering Renewable and Low Carbon Energy
- Paragraphs 118 and 119 – Conserving and Enhancing Biodiversity
- Paragraphs 131 and 132 – Heritage Assets

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC5 – Achieving Quality in Design  
 SC8 – Recreation and Open Space  
 ER7 – Renewable Energy

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area  
 E5 – The Open Coastline

6.5 Development Management DPD

DM7 – Economic Development in Rural Areas  
 DM17 – Renewable Energy Generation  
 DM20 – Enhancing Accessibility and Transport Linkages  
 DM21 – Walking and Cycling  
 DM25 – Green Infrastructure  
 DM27 – Protection and Enhancement of Biodiversity  
 DM28 – Development and Landscape Impact  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM30 – Development Affecting Listed Buildings  
 DM32 – The Setting of Designated Heritage Assets  
 DM35 – Key Design Principles

6.6 Other Material Considerations

A Landscape Strategy for Lancashire – December 2000.

**7.0 Comment and Analysis**

7.1 The main issues raised by this proposal relate to:

- Landscape and visual impact
- Impact on residential amenity
- Ecological Impacts
- Highway Impacts

7.2 Landscape and visual impact

7.2.1 The main public views of the site are from the multi-use path adjacent to the estuary. These are partly-screened by existing vegetation and additional planting was proposed with the original application. The repositioning of the solar panels, CCTV camera and pole are not considered to have a detrimental impact on the character or appearance of the landscape. The reduction in the amount of hardstanding is also likely to be beneficial. Instead of following the boundaries of the solar farm, the track is proposed to run along approximately half of the southern boundary and cross roughly the centre of the site to the north, stopping before the northern boundary. As a result of the sewer crossing the site there is a gap between the western and eastern sections of the solar farm. It is therefore possible that part of the track will be visible from the Lune Estuary path, however, given the existing hedgerow to the east of this it is unlikely that there will be a significant adverse visual impact.

7.2.2 The application proposes two power stations on the site which will house inverters and transformers. These will consist of a building measuring 6.2 metres by 2.8 metres with a height of 3 metres and an enclosure containing some external equipment measuring 3.8 metres by 3.5 metres with a height of 2.9 metres. Clarification has been sought with regards to the nature of the equipment in addition to the finish of the building and enclosure. These will be positioned adjacent to the new access track across the centre of the site and the group of solar panels to the east. Sections have been provided to help assess the visual impact on these structures. This shows that these will be visible from the Lune Estuary path, although this is more likely with the one to the north of the site given the areas where views are available from the path. However they will be viewed against the side structure of the solar panels. Whilst these are lower in height, at approx. 2 metres, they do rise up the hill and as such will provide a backdrop to the buildings and be seen in the context of the panels. Given this and the number of proposed units it is not considered that there will be a significant landscape or visual impact, subject to an appropriate colour and finish. Given the nature of the panels, it is likely that a dark grey would be most appropriate. It is also unlikely that these structures will be visible from Arna Wood Lane, given the topography and the screening from the hedgerows and solar panels.

7.2.3 The substation was originally proposed to be sited on a separate piece of land to the south east of the site, on the opposite side of Arna Wood Lane. The amended location is now better related to the rest of the solar farm. The substation serving the solar farm is proposed to be 10 metres by 2.7 metres with a total height of 3.15 metres which includes the base. It will be partly screened by existing hedgerows and new planting. It is proposed to have a flat roof and be fairly utilitarian in appearance but it will be in close proximity to the solar panels. Confirmation has been sought in relation to the colour and finish of this. The submission sets out that it is considered that a rural-style building would not be appropriate for a substation building, as the industrial nature serves as a warning, with uniform finishing ensuring warning signs are more visible. To the west of this is proposed the electricity distributor's substation which is 3 metres by 3.1 metres and will be finished in Moss Green in addition to a smaller meter cabinet which shown on the plan.

7.2.4 Queries have been raised with regards to the landscaping of the site as no details have been provided. The submitted plan appears to indicate existing hedgerows but not new planting. However, the previously approved landscaping scheme would still apply to the development unless an alternative scheme was submitted. This can still be implemented, with the proposed changes to the layout, apart from a small section of hedgerow that would need to be removed to accommodate the access track. However, this is considered to be acceptable in terms of landscape and visual impact. Clarification has been sought from the agent that they still intend to implement the landscaping scheme previously approved. Overall it is not considered that the amendments to the scheme will have a significant detrimental impact on the character and appearance of the landscape.



## 7.3 Impact on residential amenity

7.3.1 Some concerns have been raised from occupiers of nearby residential properties in relation to the potential noise impacts from the proposed power stations. Some clarification has been sought with regards to exactly what these comprise and the noise implications. The agent has set out that the most significant source of noise would be the transformer, which has a maximum noise operating level of 72db(A) (working on maximum capacity, on a very warm sunny day). The applicant has also set out that the substations in the south east corner of the site do not produce noise or have any diesel generators attached to them and that the solar farm will operate only on renewable (solar) energy which means that during the night time, the power stations and substation(s) will not work neither produce any noise. There is approximately 220 metres between the nearest power station and the nearest residential property. Further information in relation to these will be reported at the meeting in addition to comments from Environmental Health.

## 7.4 Ecological Impacts

7.4.1 Natural England have raised no objection to the amended layout. However, they have been re-consulted on an amended mitigation strategy in terms of the timing of the works. Given the proximity to the Morecambe Bay SPA there is potential for works to disturb on overwintering birds. It was never intended that the works would be carried out over the winter period and as such the implications of this have not been previously assessed. Amendments were agreed to the mitigation in October 2016 to allow some works to be carried out in the winter period if these could not be finished. However, works did not commence until towards the end of January 2017 and the applicant was therefore in breach of the conditions and was advised to stop works until the impacts on the SPA could be fully assessed.

7.4.2 Works have currently stopped and further information has been requested by Natural England in particular relation to noise impacts associated with pile driving and visual disturbance to birds. Further information and the response from Natural England will be reported at the Committee Meeting. If this issue cannot be resolved, consent can still be granted it would just relate to the original mitigation rather than allowing the applicant to carry out works within the overwintering bird season. The applicant has indicated that they want to complete works before the end of March in order to benefit from subsidies that are proposed to be removed.

## 7.5 Highway Impacts

7.5.1 The Highways Authority has raised no objection to the proposed amendments. When works commenced on the site the vehicles did not use the agreed transport/delivery route which caused many complaints to be received from nearby residents. This was as a result of one of the roads in the vicinity of the site being closed. The applicant has requested that while roads are closed, the agreed diversion routes are also utilised by the development. The Highways Officer has confirmed this is acceptable, just during the road closures. However, works have currently stopped and the roads are planned to be reopen and as such this alternative may not be required.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 It is considered that the proposed alterations to the layout of the approved scheme and the additional structures, will not have a detrimental impact on the character and appearance of the landscape or the visual amenity of the area. Clarification has been sought with regards to the noise implications from some of the equipment. Subject to Environmental Health raising no objections, following receipt of this information, the proposal is considered to be acceptable.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to no concerns being raised by Environmental Health and the following conditions:

1. Development to accord with approved plans

2. Construction method statement
3. Scheme for the construction of the access points
4. Implementation of the Arboricultural Implications Assessment detailed within the Arboriculture Appraisal dated, 24.10.14
5. Implementation of planting proposals and submission of maintenance regime and a commitment to replace any trees/plants that fail to establish during this 10 year period post planting.
6. Ecological mitigation to include:
  - Ecological construction method statement
  - Bird mitigation strategy including monitoring
  - Habitat management plan
7. Access and maintenance roads to be constructed using permeable materials
8. Details of materials for substation
9. Colour and finish of pole for CCTV
10. Boundary treatments
11. All cabling underground
12. Reinstatement of land after 25 years in accordance with scheme to be submitted
13. If the solar panels fail to produce electricity for a continuous period of 12 months the panels and associated equipment shall be removed from the site and the land shall be reinstated within a period of 3 months from the end of that 12 months in accordance with a reinstatement scheme.
14. No structure should be erected within 6.5 metres of a public sewer

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A10</p>	<p align="center"><b>Committee Date</b></p> <p align="center">6<sup>th</sup> March 2017</p>	<p align="center"><b>Application Number</b></p> <p align="center">17/00028/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">81 Hest Bank Lane Hest Bank Lancaster Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Partially retrospective application for the erection of a two storey side extension, construction of a dormer extension to the rear elevation and creation of a new access point</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr P. Jackson</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Building Plan Services</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">16 March 2017</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">N/A</p>	
<p><b>Case Officer</b></p>	<p>Mr Robert Clarke</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, it is recommended that Condition Number 8 on planning application 16/00672/FUL – which relates to the removal of permitted development rights (which was requested by the Planning and Highways Regulatory Committee) be varied. Therefore, it is considered that the current planning application should also be presented to the Committee.

**1.0 The Site and its Surroundings**

1.1 The application site is located on the north-eastern side of Hest Bank Lane, 60m north of the crossroads at Hasty Brow. The property is set back from the road by 10m and benefits from a large rear garden space. The surrounding area is residential in character and is characterised by detached properties within generous curtilages. There is a mixture of bungalows and two storey dwellings.

1.2 The subject property has recently benefitted from consent for the erection of a two-storey side extension and dormer extension to the rear. At the time of compiling this report these elements were under construction. Originally the property was a detached true bungalow featuring smooth red brick walls to the front with pebbledash to the sides and rear. The pitched roof was finished with red clay tiles and white uPVC doors and windows were installed.

1.3 The site is part of a wider Countryside Area designation in the Development Plan.

**2.0 The Proposal**

2.1 The two-storey side extension and rear dormer extension approved via 16/00672/FUL were not constructed in accordance with the approved plans. The side extension had been constructed 270mm wider and 200mm longer (though features the same 6.1m ridge height) than the approved extension. This extension now features a footprint of 3.8m x 7.1m. A retrospective planning application was received (Ref: 16/01568/FUL) in an attempt by the applicant to regularise the situation. This application was subsequently granted planning permission. Following this, it became apparent that the rear dormer extension had also been constructed larger than originally approved.

As such this current retrospective application has been submitted by the applicant in order to regularise the development taken place on the site as a whole, rather than a piecemeal approach. The constructed dormer is 240mm taller with a maximum height of 2.44m; 150mm wider with a maximum width of 12.35m; and will project a further 200mm further from the roof plane to a maximum of 2.9m. Finally, this current application also features a new secondary vehicular access on to Hest Bank Lane as proposed on the original permission.

**3.0 Site History**

3.1 The local planning authority has received a number of applications relating to this site.

Application Number	Proposal	Decision
16/00237/FUL	Demolition of attached garage, erection of 2 storey side and rear extensions, porch to front elevation and construction of 2 dormer windows to front elevation and 2 dormer windows to rear elevation	Refused
16/00672/FUL	Erection of a 2 storey side extension, construction of a rear dormer extension and creation of a new vehicular access	Permitted
16/01609/NMA	Non-material amendment to planning permission 16/00672/FUL to alter the positioning of the dormer windows and rear elevation windows, alteration to velux window positioning, change render from off white to polar white K-Rend and use of Quinn Rathmore roof tiles.	Permitted
16/01568/FUL	Retrospective application for the erection of a two storey side extension	Permitted

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	Concerns expressed regarding the number of retrospective applications – <b>objection</b> received on grounds of the character of the development.
County Highways	<b>No objection</b> – subject to a condition regarding permeable surfacing

**5.0 Neighbour Representations**

5.1 At the time of compiling this report four letters of objection had been received, raising concerns including: scale, character/appearance, highway safety, impacts upon residential amenity and drainage. An objection has also been received regarding the impact of the development upon the market values of the neighbouring properties (this is not a planning matter and is therefore not a material consideration).

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraph 7, 12, 14, 17 – Sustainable Development and Core Principles  
 Paragraphs 56-64 – Requiring Good Design

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs having been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### 6.3 Development Management DPD

**DM22** – Vehicle Parking Provision

**DM35** – Key Design Principles

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

**SC1** – Sustainable Development

**SC5** – Achieving Quality in Design

## **7.0 Comment and Analysis**

7.1 The key considerations in the assessment of this application are:

- General design
- Use of the site
- Impacts on residential amenity
- Parking provision and highway impacts
- Drainage
- Removal of permitted development rights

### 7.2 **General design**

Prior to receipt of the current application a non-material amendment was submitted by the applicant, which sought to alter the position of the windows within the dormer and rear elevation and some rooflights. Through this application the render and roof tiles were amended (see below for details). These amendments were granted and for that reason – and for consistency - they are also featured on this current planning application. As part of the development the walls of the property, including the proposed two-storey side extension and front boundary wall will be finished with a Polar White K-Rend render. Furthermore, the property has been re-roofed using Quinn slate grey tiles, (including the pitched roof of the side extension), whilst the rear dormer extension will be tile-hung with matching roof tiles. Although the proposed materials will change the current appearance of the dwelling, it is considered the scheme will result in a contemporary finish that will not detract from the character of the property nor the wider streetscene. There is a mixture a materials within the wider locality including brick, coursed stone and render. The proposed materials are therefore not considered out of character with the street scene.

7.2.1 The principle of the erection of a two-storey side extension was established through planning application 16/00672/FUL. It was considered that the replacement of the original flat roof garage

with a pitch roofed side extension was not considered to result in detrimental impacts to the character of the dwelling nor the streetscene. The marginal increase in the scale of this extension (270mm wider and 200mm longer) does not impact upon the overall character of the property. Although featuring a larger footprint, a set-back from the front elevation is maintained whilst the roof is set down, thus maintaining subservience with the original property. Furthermore, a wider garage door is now proposed, and it is considered that this amendment effectively breaks up the front elevation of the extension, whilst improving the usability of this space.

7.2.2 Again the principle of a dormer extension to this property was established through application 16/00672/FUL. However, the dormer extension has been constructed larger than what was originally approved (see Paragraph 2.1 for details). This increased scale is again considered marginal in planning terms and it is considered that it does not impact negatively upon the appearance of the property. The dormer remains set-in from the edges of the main roof, significantly down from the ridgeline and a good distance back from the eaves, whilst it will also be tile-hung ensuring that it will complement the slate grey concrete roof tiles, therefore reducing its visual impact. Furthermore, the pitched roof of the side extension will serve to effectively screen the dormer extension from view from within the street scene. The increase in scale is therefore supportable.

### 7.3 Use of the site

During assessment of 16/00672/FUL, concerns were raised by residents (and Committee Members) regarding the proposed number of bedrooms (8), which in turn raised some concerns regarding the eventual 'end use' of the property. However, alterations have taken place to the internal floor plan and this has reduced the number of bedrooms from 8 to 5. Notwithstanding this reduction, it is still considered prudent to include a planning condition requiring the use of the property to remain as a C3 single dwellinghouse. This would prevent a change of use under permitted development rights to a (C4) house in multiple occupation.

### 7.4 Impacts on residential amenity

The principle of this development has already been established. The rear garden of the site is enclosed by a 1.8m high close boarded panel fence to the northern shared boundary with No. 79 this then lowers to approximately 1.6m. This boundary treatment then encloses the rest of the rear garden. It was considered that the existing boundary treatments and the adequate separation distances ensured that acceptable privacy levels would be retained. The increased scale of the extension does not noticeably alter the positioning or orientation of window apertures. It is therefore concluded that these increases do not impact upon privacy levels. The side elevation window and door to the side extension will be installed with obscure glazing to be maintained by way of condition.

7.4.1 During assessment of 16/00672/FUL, concerns were also raised regarding the pitched roof of the two storey side extension and the impacts it may have had in terms of reducing light levels to the side elevation windows of the neighbouring 79 Hest Bank Lane. The two windows to the southern elevation of this property serve the dwelling's lounge. However, they are not the rooms' primary nor secondary windows; the room benefits from a large window to the front elevation of the dwelling and sliding glazed doors that provide access to a small conservatory that benefits from good levels of daylight to the rear. The small side elevation windows to Number 79 are also obscure glazed and non-opening. Finally, the splayed orientation of the two dwellings was considered to ensure that the pitched roof of the side extension would not diminish daylight levels serving the lounge of Number 79 to unacceptable levels. The increase in the scale of the footprint of the side extension, namely the 270mm increase in width, is considered minimal and is not considered to impact significantly upon daylight levels. Furthermore, it is also worth noting that this increased scale was also regularised through application 16/01568/FUL which was approved earlier this year.

### 7.5 Parking provision and highway impacts

Highway safety objections were received from residents in relation to the previous planning applications and this current application. The 3 on-site parking spaces shown on the site plan indicating the parking arrangements are deemed sufficient for a property of this size (five bedroom) and the County Highways Department are satisfied subject to the imposition of a condition regarding permeable surfacing to the driveway. Although County Highways have stated that the secondary access is not required in order to make this application acceptable from a highway safety perspective, they have no objections. It is therefore considered an acceptable form of development.

## 7.6 Drainage

From the outset, concerns were raised by residents with regards to the scheme's impacts on drainage in the area; and these concerns are raised by them again. The previous application established that the site is already developed and is not located within a flood zone nor an area suffering from surface water flooding (as indicated by Environment Agency data). There are no justifiable reasons to oppose the planning application on drainage matters. The use of a permeable surfacing material for the proposed hardstanding to the front of the dwelling will provide appropriate surface water drainage once the existing front garden has been removed.

## 8.0 Removal of permitted development rights

Whilst considering application 16/00672/FUL, the Committee resolved to impose a planning condition removing permitted development (PD) rights under Parts 1 and 2 of Schedule 2 of the General Permitted Development Order 2015. As part of the assessment of the current planning application, it is appropriate consider whether this condition meets the statutory tests set out in the National planning Policy framework (NPPF). Officers advise that whilst some restriction is still appropriate, a blanket condition removing all PD would fail the tests. Specifically, conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness.

8.1 A detailed assessment of the property's permitted development rights has been undertaken and it is recommended that, instead of a blanket removal of PD rights under Parts 1 and 2, a condition removing a carefully selected class within Part 1 be imposed which would still have the same effect of limiting further development at this site (under PD rights). A summary of the assessment is detailed below and overleaf:

### 8.2 General Permitted Development Order 2015 Part 1 – Development within the curtilage of a dwellinghouse:

**Class A – enlargement, improvement or other alteration of a dwellinghouse:** Under this Class the occupant can construct side and rear extensions in accordance with the class conditions. The occupant has already begun works on the two storey side extension (subject of this application) and had begun works on a single storey rear extension (under permitted development rights) prior to the aforementioned blanket condition being imposed. For that reason it was immune from being controlled by the planning condition. Under Class A it would be possible to increase the width of the side extension by extending northwards (i.e. towards Number 79), although due to the boundary of the site, the maximum this aspect of the development could be extended is approximately 500mm, this would therefore not be considered feasible. A two storey rear extension would not be permitted due to the increased volume this would add to the roof space, whilst the presence of the rear dormer ensures that this too is not a feasible option. Due to the works already carried out on site, further permitted development within this site is restricted. It is therefore not recommended to remove this class by condition.

**Class B – additions etc. to the roof of the dwellinghouse:** A side extension and rear dormer are already under construction. When combined these feature a volume of more than the 50m<sup>3</sup> volume limit stipulated by this class. Further additions to the roof cannot therefore be carried out without the benefit of planning permission. It is therefore not recommended to remove this class by condition.

**Class C (other alterations to the roof of a dwellinghouse), G (chimneys, flues etc on a dwellinghouse) and H (microwave antenna on a dwellinghouse):** Works under these classes are not considered to impact detrimentally upon the appearance/character of the dwelling or that of the wider street scene. Nor would they be considered to cause harmful impacts to the amenity of the neighbouring occupiers. It is not recommended to remove these classes by condition.

**Class D – Porches:** Under this class the occupant could construct a porch to the front elevation featuring a maximum foot print of 3m<sup>2</sup>. It is considered that the construction of a porch in this location would severely hinder or even prevent the use of the third parking space. Given the number of proposed bedrooms the parking spaces are essential. It is therefore considered reasonable to remove Class D by condition so as to ensure adequate parking provision on the site is maintained.

**Class E – buildings etc. incidental to the enjoyment of a dwellinghouse:** Under this class a shed or other form of outbuilding could be constructed within the rear garden of the application site, so long as certain conditions are met. Due to the generous size of the rear garden space (approximately 410m<sup>2</sup>), there is the potential for an outbuilding featuring a footprint of up to a maximum of 256.5m<sup>2</sup> to theoretically be constructed. This would raise concerns about the extent of usable garden space remaining. It is advocated that this be no less than 50m<sup>2</sup>, whilst it must also be of a functional and accessible shape. Given that this area is characterised by detached properties within generous curtilages, a large reduction in the usable garden space may be considered out of character within the locality. The removal of this class will allow for the character of the locality and the amenity of the neighbours to be safeguarded. It would also ensure that any future Class E structures are subject to appropriate, but not disproportionate, assessment through the planning process. As such it is considered justifiable that this class be removed by condition.

**Class F – Hard surfaces incidental to the enjoyment of a dwellinghouse:** This class would allow the occupant of the property to lay hard surfacing within the curtilage of the property. The replacement of the existing rear garden with hard surfacing could prohibit effective surface water drainage. However, it must be recognised that this is also a PD right that the occupiers of the neighbouring properties currently benefit from. As such it is considered unreasonable to recommend that class be removed by condition.

### 8.3 General Permitted Development Order 2015 Part 2 – Minor operations

**Class A – gates, fences, walls etc.:** This class would allow the occupant to erect up to 2m high boundary treatments within the rear garden. The property already features a section of 1.8m high fencing with the remaining boundaries being formed by approximately 1.6m high fences. The potential increase in these fences to 2m would not result in detrimental impacts upon residential amenity and would not be out of character with the area. This class also stipulates that boundary treatments adjoining highways cannot be higher than 1m. Given this, it is not recommended to remove this class.

**Class B – means of access to a highway:** A new vehicular access is proposed by this application and is considered acceptable. Furthermore, Hest Bank Lane is an adopted highway and as such any further/amended proposed vehicular access points would not be permitted by this class and would require planning permission. Given this, removal of this class is unnecessary.

**Class C (exterior painting), Class D (electrical outlet for recharging vehicles), Class E (electrical upstand for recharging vehicles) and Class F (closed circuit television cameras):** Works under these classes are not considered to impact detrimentally upon the appearance/character of the dwelling or that of the wider street scene. Nor would they be considered to cause harmful impacts to the amenity of the neighbouring occupiers. It is not considered reasonable therefore to remove these classes by condition.

### 8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

### 9.0 Conclusions

9.1 As Members of the Committee will be aware, retrospective (or partially-retrospective) planning applications are not helpful to the planning process. However, National planning Practice Guidance stipulates that any such application “*must be considered in the normal way*”. Therefore, in reaching a decision on this matter, the key issue is whether the development being proposed is acceptable in planning terms.

9.2 The principle of the two storey side extension, rear dormer extension and new vehicular access point was established by application 16/00672/FUL. Both the side extension and dormer extension have been constructed marginally larger than what was previously approved. It is considered that the increased scale of the development is supportable and will not impact significantly upon the appearance of the property nor the surrounding residential amenity.

9.3 Given the number of bedrooms being proposed, it is considered prudent to add a condition ensuring that the property is used as a single dwelling only, with no sub-division, annexing or other separate



residential use. An assessment of the property's permitted development rights has revealed that removal of all rights under parts 1 and 2 would be considered unreasonable, but selective removal of certain permitted development rights would be appropriate.

### **Recommendation**

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

1. Standard three year timescale
2. Development in accordance with submitted plans
3. Use as a single dwellinghouse
4. Removal of selected PD rights - Class D porches and Class E outbuildings
5. Obscure glazing to side elevation garage window and door
6. Retention of 1.8m high fencing to boundary with No. 79 Hest Bank Lane
7. Retention front boundary wall
8. Implement third parking space before occupation and retain
9. Driveway surfacing

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

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

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None

<b>Agenda Item</b> A11	<b>Committee Date</b> 6 March 2017	<b>Application Number</b> 16/01592/RCN
<b>Application Site</b> The Loft And Sellerley Shippon Sellerley Farm Conder Green Road Galgate		<b>Proposal</b> Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats (pursuant to the removal of condition 8 on planning permission 99/00489/CU to permit the continuance of permanent residential occupancy)
<b>Name of Applicant</b> Mr Edward Newsham		<b>Name of Agent</b> Mr David Hall
<b>Decision Target Date</b> Extension of time until 9 March 2017		<b>Reason For Delay</b> Committee Cycle
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval subject to an additional condition requiring the permanent retention of the footway.

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request is that the site is in a sustainable location to Galgate and the proposal will create dwellings needed in the village.

**1.0 The Site and its Surroundings**

1.1 The site relates to a complex of converted barns, comprising 9 individual units, located on a farm off Conder Green Lane, approximately 800 metres to the southwest of Galgate. The buildings were converted under several consents and are restricted to use as short term holiday accommodation or for post graduate students. In addition to these units, there is also an existing farmhouse at the north eastern edge of the complex, and a number of agricultural buildings to the southeast. The buildings are arranged around a central courtyard to which there is an existing access off Conder Green Lane and provides a parking area. This leads through to a number of agricultural buildings which are set further back from the road. There are two additional accesses which serve the farm buildings to the north east and south west of the buildings.

1.2 This particular application relates to a large stone building which has been separated into three units. One is over two floors and the other two are in the remainder of the building which has been divided horizontally, creating two flats. The building adjoins the farmhouse and faces towards Conder Green Lane. There is a small yard and grassed area between the building and the highway and a very narrow yard at the rear. The site is located within the Countryside Area as identified on the Local Plan Proposals Map.

**2.0 The Proposal**

2.1 Planning permission was granted in 2000 for the conversion of the building to an agricultural

worker’s dwelling and two flats with the occupancy restricted to post graduate students or short-term holiday lets. This application seeks to remove condition 8 from the consent which restricts the occupancy of the two flats to post-graduate students or short term holiday lets. It will result in two unrestricted residential units. The agricultural worker’s restriction on the other unit is not proposed to be removed. There is also a Section 106 Agreement which essentially repeats these restrictions in terms of the occupancy, but also expands on this. A separate application has been submitted to vary the Legal Agreement (16/01612/VLA).

**3.0 Site History**

3.1 There are three separate permissions at Sellerley Farm relating to the conversion of barns and other outbuildings which were approved between 1999 and 2005. These permissions were granted for the use of the buildings for residential use but limited the occupancy to short term holiday use or student accommodation, with the exception of the agricultural worker’s dwelling. The most relevant site history is set out below:

Application Number	Proposal	Decision
16/00793/PAA	Prior Approval for the change of use of an agricultural building to two dwellinghouses (C3)	Approved
15/00389/ELDC	Existing Lawful Development Application for the use of 9 holiday cottages to be used as unfettered residential dwellings	Refused and appeal dismissed
14/00985/ELDC	Existing Lawful Development Application for the use of 9 dwellings to be used as permanent residences	Withdrawn
05/00742/CU	Change of use and conversion of redundant buildings to form tourist and overnight accommodation	Approved
01/00874/CU	Change of use and conversion of farm buildings to form student/tourist accommodation (3 units)	Approved
99/00489/CU	Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats	Approved

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	Support
Environmental Health	No comments received during the consultation period
County Highways	No objections

**5.0 Neighbour Representations**

5.1 None received.

**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  
 Paragraph 55 – Housing in Rural Areas  
 Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its’ Full Council, the local authority resolved to undertake public

consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

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

SC1 – Sustainable Development  
SC3 – Rural Communities  
SC5 – Achieving Quality in Design

## 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

## 6.5 Development Management Development Plan Document (adopted December 2014)

DM8 – The Re-use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM28 – Development and Landscape Impact  
DM35 – Key Design Principles  
DM41 – New Residential Development  
DM42 – Managing Rural Housing Growth

## **7.0 Comment and Analysis**

### 7.1 The main issues are:

- Principle of permanent residential accommodation
- Impact on residential amenity

### 7.2 Principle of permanent residential accommodation

7.2.1 The application seeks consent to remove a condition on the planning approval in 1999 which restricts the occupancy of two of the units to post-graduate students or short term holiday accommodation. This would mean that these could be occupied on a permanent basis for residential use, subject to the variation of the legal agreement. Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and

travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

- 7.2.2 The application site is located in the open countryside approximately 650 metres from the edge of the built up area of Galgate. As such, new residential development in this location would not usually be supported as the site it is not considered to be well related the village. Paragraph 55 of the NPPF sets out the special circumstances where new isolated homes in the countryside would be supported. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 7.2.3 The building was formerly agricultural but has already been converted to accommodation for post-graduate students and short term holiday accommodation. It is understood that the units are currently being occupied as permanent residential dwellings, contrary to the planning condition and legal agreement and therefore the use is unauthorised. As the building is in use, and has consent for the post-graduate and holiday use, it cannot be considered to be redundant or disused. In addition, it is not considered that the use as permanent residential accommodation would lead to an enhancement of the setting of the building and would more likely cause harm as a result of increased domestic paraphernalia and possibly vehicles, and this is partly evident at present. This is in contrast to the development that was recently allowed at appeal at Scale House Farm, approximately 350 metres to the west, for the removal of holiday occupancy conditions on a consent for the conversion of a large barn. In the Inspector's report it was set out that the occupiers would be heavily reliant on the use of motor vehicles to access facilities and services and the site was not in an accessible location. However, it was considered that the proposal would meet the special circumstances test for isolated new dwellings in the countryside as set out in paragraph 55 of the NPPF as the removal of the large modern agricultural buildings in close proximity to the barn would lead to an enhancement of the immediate setting of the building. In this case, although consent had already been granted for holiday accommodation, this had not been implemented or used for this purpose and was therefore still a redundant building.
- 7.2.4 An appeal for a similar proposal, to the current application, at Old Waterslack Farm near Silverdale was recently dismissed. This related to the removal of a legal agreement that restricted the use of two holiday cottages, granted consent in 1991 for the conversion from two shippens. The change of use had been implemented, although the applicant indicated that the units were currently being used as permanent dwellings and not as holiday lets. It was argued that the use as holiday lets was redundant due to the limited demand for such a use in this area, and as they were already being used as permanent dwellings they were technically disused as holiday lets. However, the Inspector's report set out that no substantive evidence had been provided to support the claim that there was limited demand for holiday lets in the area, or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. It was therefore concluded that the units were not considered to be redundant or dis-used buildings and would add unnecessarily to sporadic development in the countryside, would fail to achieve any significant economic, social and environmental benefits and as a result it would not represent a sustainable form of development.
- 7.2.5 The current submission sets out that, as part of a farm diversification scheme, various traditional but redundant buildings were converted to holiday and post graduate student accommodation between 1999 and 2006. It goes on to say that changes in the market conditions, primarily increased alternative better placed availability, has seen the demand for these units for their intended purpose decline over time. Given the significant investment which had been undertaken, and rather than leave the dwellings vacant, the owners have responded positively to requests from mainly local people for small relatively inexpensive permanent dwellings and have permitted them to be occupied full time. The submission sets out that this has taken place over a period of time such that most of the units have been occupied on a permanent basis for a number of years. As with the case referred to above, no substantive evidence has been provided to demonstrate that there is no longer a need for holiday or post graduate accommodation in this location. It is noted that letters of support have been provided by occupiers of some of the units, and the agent has raised concerns about social hardship if consent is not granted and they need to leave the properties. However, the application

must be considered against planning policies and material planning considerations, in particular whether the proposal constitutes a sustainable form of development. The applicant has let the properties knowing that there is a restriction to the occupancy and has not previously sought consent from the Council to remove these restrictions.

7.2.6 Whilst new build development in this location would not be usually supported, it does relate to the existing buildings, although not disused. It is also accepted that a prior approval for the conversion of a barn on this site has recently been granted under permitted development rights. However, this does not allow the sustainability of the location to be taken into account and does not constitute a material planning consideration in terms of the current application. The location is also not wholly isolated from Galgate, being approximately 650m from the edge of the settlement and a further 700m from services in the centre. The road between the site and the edge of the settlement is narrow with hedges on either side for most of the length, limited verges and a 60mph speed limit. However, there is a permissive footway on the applicant's land behind the hedge for a distance of approximately 550m and the last 100m of the road is more open with the exception of the canal bridge. However, this is unlit and not surfaced and as such, is likely to discourage its use in the evening and during winter. Whilst it is on a cycle route, the Inspector for the Scale House Farm appeal did note that the road network did not lend itself to regular, safe and convenient use by cyclists, although this site is slightly closer to the village.

7.2.7 The presence of the footway is a considerable factor supporting the location. Whilst it is likely that people living in these properties would be quite reliant on private transport, this does provide a link to the village off the road for the most part. At present this is just a permissive path and as such its use could be withdrawn at any time. It would therefore be appropriate to condition that this is retained at all times as it is on the applicant's land. Clarification will be sought from the applicant that they are agreeable to this. In addition, given the size of the two units it is unlikely that they would be occupied by families. It is considered that a holiday use would be less intensive in terms of vehicle movements than a permanent residential use, and the post-graduate use to a lesser extent. On balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings (although not redundant), the small scale of the development, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create two permanent open market dwellings is not considered to result in significant adverse impacts and is therefore considered to be acceptable in principle.

### 7.3 Residential amenity

7.3.1 There is a separate flat on each floor of the building. The submission sets out that each has a single bedroom, lounge/dining area, separate bathroom and kitchen and that room sizes exceed the Council minimum sizes in relation to flat conversions. Unfortunately the original plans could not be found on the Council's electronic system and as such this cannot be checked. A plan has been requested to check the sizes to ensure they provide an appropriate size of accommodation. There is only a small external area serving the units, however this is considered to be acceptable as they are flats. There are no issues with overlooking between these and other units on the site.

7.3.2 The submission sets out that this is a working farm and there are a number of agricultural buildings to the southeast. It is understood that access to the farm was formerly through the central courtyard but there is now a newer track to the north east of the buildings. It is also noted that there is also one to the southwest providing access to the farm buildings. Therefore farm vehicles will no longer pass in close proximity to these units, except along the highway. It is the manoeuvring of vehicles that is likely to cause disturbance, particularly at early hours in the morning. These two units are approximately 55m from the main farm yard and nearest agricultural buildings. Whilst there would normally be concern about the siting of a new agricultural building that close to a residential property, it is accepted that someone occupying a property on a farm would expect a level of disturbance and smell associated with the farming operation. Given the distance and intervening buildings, it is not considered that there would be a significant detrimental impact on the amenities of the occupiers.

## **8.0 Planning Obligations**

8.1 As one of the units is to be retained as an agricultural worker's dwelling, and the original legal agreement covers this, there will need to be a Deed of Variation to refer to this consent before the decision can be issued.

**9.0 Conclusions**

9.1 Whilst this is not a location where new residential development would usually be supported, the NPPF emphasises a presumption in favour of sustainable development and due to the lack of a five year land supply, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. As such, on balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create two permanent open market dwellings is not considered to result in significant adverse impact and is therefore considered to be acceptable. The retention of the footpath on the applicant's land is an important part of this condition and it is therefore considered necessary that this is conditioned.

**Recommendation**

That Planning Permission **BE GRANTED** subject to a Deed of Variation to relate the legal agreement to this consent, and the following conditions:

1. Plans
2. Agricultural Workers restriction to dwelling
3. Removal of permitted development rights – Parts 1 and 2 of Schedule 2
4. Parking
5. Retention of footpath

**Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None

<b>Agenda Item</b> A12	<b>Committee Date</b> 6 March 2017	<b>Application Number</b> 16/01612/VLA
<b>Application Site</b> The Loft And Sellerley Shippon Sellerley Farm Conder Green Road Galgate		<b>Proposal</b> Variation of legal agreement attached to planning permission 99/00489/CU to vary or revoke the occupancy restriction
<b>Name of Applicant</b> Mr Edward Newsham		<b>Name of Agent</b> Mr David Hall
<b>Decision Target Date</b> Extension of time until 9 March 2017		<b>Reason For Delay</b> Committee Cycle
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request is that the site is in a sustainable location to Galgate and the proposal will create dwellings needed in the village.

**1.0 The Site and its Surroundings**

- 1.1 The site relates to a complex of converted barns, comprising 9 individual units, located on a farm off Conder Green Lane, approximately 800 metres to the southwest of Galgate. The buildings were converted under several consents and are restricted to use as short term holiday accommodation or for post graduate students. In addition to these units, there is also an existing farmhouse at the north eastern edge of the complex, and a number of agricultural buildings to the southeast. The buildings are arranged around a central courtyard to which there is an existing access off Conder Green Lane and provides a parking area. This leads through to a number of agricultural buildings which are set further back from the road. There are two additional accesses which serve the farm buildings to the north east and south west of the buildings.
- 1.2 This particular application relates to a large stone building which has been separated into three units. One is over two floors and the other two are in the remainder of the building which has been divided horizontally, creating two flats. The building adjoins the farmhouse and faces towards Conder Green Lane. There is a small yard and grassed area between the building and the highway and a very narrow yard at the rear. The site is located within the Countryside Area as identified on the Local Plan Proposals Map.

**2.0 The Proposal**

- 2.1 Planning permission was granted in 2000 for the conversion of the building to an agricultural worker's dwelling and two flats with the occupancy restricted to post graduate students or short-term holiday lets. This application seeks to vary the Legal Agreement to remove the section which restricts the occupancy of the flats to post-graduate students and holiday use. It will result in two



unrestricted residential units. The agricultural worker's restriction on the other unit is not proposed to be removed. There is also a condition on the planning consent which includes similar occupancy restrictions and a separate application has been submitted to remove this (16/01592/RCN)

**3.0 Site History**

3.1 There are three separate permissions at Sellerley Farm relating to the conversion of barns and other outbuildings which were approved between 1999 and 2005. These permissions were granted for the use of the buildings for residential use but limited the occupancy to short term holiday use or student accommodation, with the exception of the agricultural worker's dwelling. The most relevant site history is set out below:

Application Number	Proposal	Decision
16/00793/PAA	Prior Approval for the change of use of an agricultural building to two dwellinghouses (C3)	Approved
15/00389/ELDC	Existing Lawful Development Application for the use of 9 holiday cottages to be used as unfettered residential dwellings	Refused and appeal dismissed
14/00985/ELDC	Existing Lawful Development Application for the use of 9 dwellings to be used as permanent residences	Withdrawn
05/00742/CU	Change of use and conversion of redundant buildings to form tourist and overnight accommodation	Approved
01/00874/CU	Change of use and conversion of farm buildings to form student/tourist accommodation (3 units)	Approved
99/00489/CU	Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats	Approved

**4.0 Consultation Responses**

4.1 None

**5.0 Neighbour Representations**

5.1 None

**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  
 Paragraph 55 – Housing in Rural Areas  
 Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the

Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

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

SC1 – Sustainable Development  
SC3 – Rural Communities  
SC5 – Achieving Quality in Design

## 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

## 6.5 Development Management Development Plan Document (adopted December 2014)

DM8 – The Re-use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM28 – Development and Landscape Impact  
DM35 – Key Design Principles  
DM41 – New Residential Development  
DM42 – Managing Rural Housing Growth

## **7.0 Comment and Analysis**

### 7.1 The main issues are:

- Principle of permanent residential accommodation
- Impact on residential amenity

### 7.2 Principle of permanent residential accommodation

7.2.1 The application seeks consent to vary the legal agreement on the planning approval in 1999 which restricts the occupancy of two of the units to post-graduate students or short term holiday accommodation relate to holiday accommodation. This would mean that these could be occupied on a permanent basis for residential use, subject to the removal of the condition on the original consent. Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

7.2.2 The application site is located in the open countryside approximately 650 metres from the edge of the built up area of Galgate. As such, new residential development in this location would not usually be supported as the site it is not considered to be well related the village. Paragraph 55 of the NPPF sets out the special circumstances where new isolated homes in the countryside would be

supported. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 7.2.3 The building was formally agricultural but has already been converted to accommodation for post-graduate students and short term holiday accommodation. It is understood that the units are currently being occupied as permanent residential dwellings, contrary to the planning condition and legal agreement. As the building is in use, and has consent for the post-graduate and holiday use, it cannot be considered to be redundant or disused. In addition, it is not considered that the use as permanent residential accommodation would lead to an enhancement of the setting of the building and would more likely cause harm as a result of increased domestic paraphernalia and possibly vehicles and is partly evident at present. This is in contrast to the development that was approved at appeal at Scale House Farm, approximately 350 metres to the west, for the removal of holiday occupancy conditions on a consent for the conversion of a large barn. In the Inspector's report it was set out that the occupiers would be heavily reliant on the use of motor vehicles to access facilities and services and the site was not in an accessible location. However, it was considered that the proposal would meet the special circumstances test for isolated new dwellings in the countryside as set out in paragraph 55 of the NPPF as the removal of the large modern agricultural buildings in close proximity to the barn would lead to an enhancement of the immediate setting of the building. In this case, although consent had already been granted for holiday accommodation, this had not been implemented or used for this purpose and was therefore still a redundant building.
- 7.2.4 An appeal for a similar proposal, to the current application, at Old Waterslack Farm near Silverdale was recently dismissed. This related to the removal of a legal agreement that restricted the use of two holiday cottages, granted consent in 1991 for the conversion from two shippens. The change of use had been implemented, although the applicant indicated that the units were currently being used as permanent dwellings and not as holiday lets. It was argued that the use as holiday lets was redundant due to the limited demand for such a use in this area, and as they were already being used as permanent dwellings they were technically dis-used as holiday lets. However, the Inspector's report set out that no substantive evidence had been provided to support the claim that there was limited demand for holiday lets in the area, or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. It was therefore concluded that the units were not considered to be redundant or dis-used buildings and would add unnecessarily to sporadic development in the countryside, would fail to achieve any significant economic, social and environmental benefits and as a result it would not represent a sustainable form of development.
- 7.2.5 The current submission sets out that, as part of a farm diversification scheme, various traditional but redundant buildings were converted to holiday and post graduate student accommodation between 1999 and 2006. It goes on to say that changes in the market conditions, primarily increased alternative better placed availability, has seen the demand for these units for their intended purpose decline over time. Given the significant investment which had been undertaken, and rather than leave the dwellings vacant, the owners have responded positively to requests from mainly local people for small relatively inexpensive permanent dwellings and have permitted them to be occupied full time. The submission sets out that this has taken place over a period of time such that most of the units have been occupied on a permanent basis for a number of years. As with the case referred to above, no substantive evidence has been provided to demonstrate that there is no longer a need for holiday or post graduate accommodation in this location. It is noted that letters of support have been provided by occupiers of some of the units, and the agent has raised concerns about social hardship if consent is not granted and they need to leave the properties. However, the application must be considered against planning policies and material planning considerations, in particular whether the proposal constitutes a sustainable form of development. The applicant has let the properties knowing that there is a restriction to the occupancy and has not previously sought consent from the Council to remove these restrictions.
- 7.2.6 Whilst new build development in this location would not be usually supported, it does relate to existing buildings, although not disused. It is also accepted that a prior approval for the conversion of a barn on this site has recently been granted under permitted development rights. However, this does not allow the sustainability of the location to be taken into account and does not constitute a material planning consideration in terms of the current application. The location is also not wholly isolated from Galgate, being approximately 650 metres from the edge of the settlement and a further

700 metres from services in the centre. The road between the site and the edge of the settlement is narrow with hedges on either side for most of the length, limited verges and a 60mph speed limit. However, there is a permissive footway on the applicant's land behind the hedge for a distance of approximately 550 metres and the last 100 metres of the road is more open with the exception of the canal bridge. However, this is unlit and not surfaced and as such, is likely to discourage its use in the evening and during winter. Whilst it is on a cycle route, the Inspector for the Scale House Farm appeal did note that the road network did not lend itself to regular, safe and convenient use by cyclists, although this site is slightly closer to the village.

7.2.7 The presence of the footway is a considerable factor supporting the location. Whilst it is likely that people living in these properties would be quite reliant on private transport, this does provide a link to the village off the road for the most part. At present this is just a permissive path and as such its use could be withdrawn at any time. It is considered that this could be adequately controlled through a condition on the planning consent that this is retained at all times as it is on the applicant's land. Clarification will be sought from the applicant that they are agreeable to this. In addition, given the size of the two units it is unlikely that they would be occupied by families. It is considered that a holiday use would be less intensive in terms of vehicle movements than a permanent residential use, and the post-graduate use to a lesser extent. On balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, the small scale of the development, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create two permanent open market dwellings is not considered to result in significant adverse impacts and is therefore considered to be acceptable in principle.

### 7.3 Residential amenity

7.3.1 There is a separate flat on each floor of the building. The submission sets out that each has a single bedroom, lounge/dining area, separate bathroom and kitchen and that room sizes exceed the Council minimum sizes in relation to flat conversions. Unfortunately the original plans could not be found on the Council's electronic system and as such this cannot be checked. A plan has been requested to check the sizes to ensure they provide an appropriate size of accommodation. There is only a small external area serving the units, however this is considered to be acceptable as they are flats. There are no issues with overlooking between these and other units on the site.

7.3.2 The submission sets out that this is a working farm and there are a number of agricultural buildings to the southeast. It is understood that access to the farm was formerly through the central courtyard but there is now a newer track to the north east of the buildings. It is also noted that there is also one to the southwest providing access to the farm buildings. Therefore farm vehicles will no longer pass in close proximity to these units, except along the highway. It is the manoeuvring of vehicles that is likely to cause disturbance, particularly at early hours in the morning. These two units are approximately 55 metres from the main farm yard and nearest agricultural buildings. Whilst there would normally be concern about the siting of a new agricultural building that close to a residential property, it is accepted that someone occupying a property on a farm would expect a level of disturbance and smell associated with the farming operation. Given the distance and intervening buildings, it is not considered that there would be a significant detrimental impact on the amenities of the occupiers.

## 8.0 Planning Obligations

8.1 The removal of the post-graduate and holiday use restrictions from the legal agreement will require the applicant to enter into a formal Deed of Variation.

## 9.0 Conclusions

9.1 Whilst this is not a location where new residential development would usually be supported, the NPPF emphasises a presumption in favour of sustainable development and due to the lack of a five year land supply, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. As such, on balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy restriction to create two permanent open market dwellings is not considered to result in significant adverse impact and is therefore considered to be acceptable. It is not therefore considered that these requirements on the legal agreement still serve a useful purpose and can therefore be removed.

## **Recommendation**

That the legal agreement attached to planning consent 99/00489/CU is varied to remove the post-graduate and holiday use occupancy restrictions in relation to the two flats.

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None

<b>Agenda Item</b> A13	<b>Committee Date</b> 6 March 2017	<b>Application Number</b> 16/01593/RCN
<b>Application Site</b> 1 To 3 Sellerley Farm Conder Green Road Galgate		<b>Proposal</b> Change of use and conversion farm buildings to form student/tourist accommodation (3 units) (pursuant to the removal of condition 8 on planning permission 01/00874/CU to be removed to permit the continuance of permanent residential occupancy)
<b>Name of Applicant</b> Mr Edward Newsham		<b>Name of Agent</b> Mr David Hall
<b>Decision Target Date</b> Extension of time until 9 March 2017		<b>Reason For Delay</b> Committee cycle
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval subject to an additional condition requiring the permanent retention of the footway.

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request is that the site is in a sustainable location to Galgate and the proposal will create dwellings needed in the village.

**1.0 The Site and its Surroundings**

- 1.1 The site relates to a complex of converted barns, comprising 9 individual units, located on a farm off Conder Green Lane, approximately 800 metres to the southwest of Galgate. The buildings were converted under several consents and are restricted to use as short term holiday accommodation or for post graduate students. In addition to these units, there is also an existing farmhouse at the north eastern edge of the complex, and a number of agricultural buildings to the southeast. The buildings are arranged around a central courtyard to which there is an existing access off Conder Green Lane and provides a parking area. This leads through to a number of agricultural buildings which are set further back from the road. There are two additional accesses which serve the farm buildings to the north east and south west of the buildings.
- 1.2 This particular application relates to a group of single storey buildings arranged in an almost 'u' shape which have been separated into three units. The north west elevation abuts the narrow highway verge and contains no windows. The south west elevation faces a mostly open gassed and gravelled area and most of the south east elevation abuts a large barn which has recently gained approval under the prior approval process to be converted to two dwellings. The buildings front onto a shared courtyard area enclosed by a low stone wall, beyond which is a parking area. The site is located within the Countryside Area as identified on the Local Plan Proposals Map.

**2.0 The Proposal**

- 2.1 Planning permission was granted in 2002 for the conversion of the buildings to three residential units with the occupancy restricted to post graduate students or short-term holiday lets. This application seeks to remove condition 8 which restricts the occupation. There is also a Section 106 Agreement which essentially repeats these restrictions in terms of the occupancy, but also expands on this. A separate application has been submitted to remove the Legal Agreement (16/01613/VLA).

**3.0 Site History**

- 3.1 There are three separate permissions at Sellerley Farm relating to the conversion of barns and other outbuildings which were approved between 1999 and 2005. These permissions were granted for the use of the buildings for residential use but limited the occupancy to short term holiday use or student accommodation, with the exception of the agricultural worker's dwelling. The most relevant site history is set out below:

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14/00985/ELDC	Existing Lawful Development Application for the use of 9 dwellings to be used as permanent residences	Withdrawn
05/00742/CU	Change of use and conversion of redundant buildings to form tourist and overnight accommodation	Approved
01/00874/CU	Change of use and conversion of farm buildings to form student/tourist accommodation (3 units)	Approved
99/00489/CU	Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats	Approved

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	Support.
County Highway	No objection.
Environmental Health	No comments received during the consultation period.

**5.0 Neighbour Representations**

- 5.1 None received.

**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  
 Paragraph 55 – Housing in Rural Areas  
 Paragraphs 56, 58 and 60 – Requiring Good Design

**6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public

consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

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

SC1 – Sustainable Development  
SC3 – Rural Communities  
SC5 – Achieving Quality in Design

## 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

## 6.5 Development Management Development Plan Document (adopted December 2014)

DM8 – The Re-use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM28 – Development and Landscape Impact  
DM35 – Key Design Principles  
DM41 – New Residential Development  
DM42 – Managing Rural Housing Growth

## **7.0 Comment and Analysis**

### 7.1 The main issues are:

- Principle of permanent residential accommodation
- Impact on residential amenity

### 7.2 Principle of permanent residential accommodation

7.2.1 The application seeks consent to remove a condition on the planning approval in 2002 which restricts the occupancy of the three units to post-graduate students or short term holiday accommodation. This would mean that these could be occupied on a permanent basis for residential use, subject to the discharge of the legal agreement. Policy SC1 of the Core Strategy requires new



development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

- 7.2.2 The application site is located in the open countryside approximately 650 metres from the edge of the built up area of Galgate. As such, new residential development in this location would not usually be supported as the site it is not considered to be well related the village. Paragraph 55 of the NPPF sets out the special circumstances where new isolated homes in the countryside would be supported. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 7.2.3 The building was formally agricultural but has already been converted to accommodation for post-graduate students and short term holiday accommodation. It is understood that the units are currently being occupied as permanent residential dwellings, contrary to the planning condition and legal agreement. As the building is in use, and has consent for the post-graduate and holiday use, it cannot be considered to be redundant or disused. In addition, it is not considered that the use as permanent residential accommodation would lead to an enhancement of the setting of the building and would more likely cause harm as a result of increased domestic paraphernalia and possibly vehicles and is partly evident at present. This is in contrast to the development that was approved at appeal at Scale House Farm, approximately 350 metres to the west, for the removal of holiday occupancy conditions on a consent for the conversion of a large barn. In the Inspector's report it was set out that the occupiers would be heavily reliant on the use of motor vehicles to access facilities and services and the site was not in an accessible location. However, it was considered that the proposal would meet the special circumstances test for isolated new dwellings in the countryside as set out in paragraph 55 of the NPPF as the removal of the large modern agricultural buildings in close proximity to the barn would lead to an enhancement of the immediate setting of the building. In this case, although consent had already been granted for holiday accommodation, this had not been implemented or used for this purpose and was therefore still a redundant building.
- 7.2.4 An appeal for a similar proposal, to the current application, at Old Waterslack Farm near Silverdale was recently dismissed. This related to the removal of a legal agreement that restricted the use of two holiday cottages, granted consent in 1991 for the conversion from two shippens. The change of use had been implemented, although the applicant indicated that the units were currently being used as permanent dwellings and not as holiday lets. It was argued that the use as holiday lets was redundant due to the limited demand for such a use in this area, and as they were already being used as permanent dwellings they were technically dis-used as holiday lets. However, the Inspector's report set out that no substantive evidence had been provided to support the claim that there was limited demand for holiday lets in the area, or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. It was therefore concluded that the units were not considered to be redundant or dis-used buildings and would add unnecessarily to sporadic development in the countryside, would fail to achieve any significant economic, social and environmental benefits and as a result it would not represent a sustainable form of development.
- 7.2.5 The current submission sets out that, as part of a farm diversification scheme, various traditional but redundant buildings were converted to holiday and post graduate student accommodation between 1999 and 2006. It goes on to say that changes in the market conditions, primarily increased alternative better placed availability, has seen the demand for these units for their intended purpose decline over time. Given the significant investment which had been undertaken, and rather than leave the dwellings vacant, the owners have responded positively to requests from mainly local people for small relatively inexpensive permanent dwellings and have permitted them to be occupied full time. The submission sets out that this has taken place over a period of time such that most of the units have been occupied on a permanent basis for a number of years. As with the case referred to above, no substantive evidence has been provided to demonstrate that there is no longer a need for holiday or post graduate accommodation in this location. It is noted that letters of support have been provided by occupiers of some of the units, and the agent has raised concerns about social

hardship if consent is not granted and they need to leave the properties. However, the application must be considered against planning policies and material planning considerations, in particular whether the proposal constitutes a sustainable form of development. The applicant has let the properties knowing that there is a restriction to the occupancy and has not previously sought consent from the Council to remove these restrictions.

7.2.6 Whilst new build development in this location would not be usually supported, it does relate to existing buildings, although not disused. It is also accepted that a prior approval for the conversion of a barn on this site has recently been granted under permitted development rights. However, this does not allow the sustainability of the location to be taken into account and does not constitute a material planning consideration in terms of the current application. The location is also not wholly isolated from Galgate, being approximately 650 metres from the edge of the settlement and a further 700 metres from services in the centre. The road between the site and the edge of the settlement is narrow with hedges on either side for most of the length, limited verges and a 60mph speed limit. However, there is a permissive footway on the applicant's land behind the hedge for a distance of approximately 550 metres and the last 100 metres of the road is more open with the exception of the canal bridge. However, this is unlit and not surfaced and as such, is likely to discourage its use in the evening and during winter. Whilst it is on a cycle route, the Inspector for the Scale House Farm appeal did note that the road network did not lend itself to regular, safe and convenient use by cyclists, although this site is slightly closer to the village.

7.2.7 The presence of the footway is a considerable factor supporting the location. Whilst it is likely that people living in these properties would be quite reliant on private transport, this does provide a link to the village off the road for the most part. At present this is just a permissive path and as such its use could be withdrawn at any time. It would therefore be appropriate to condition that this is retained at all times as it is on the applicant's land. Clarification will be sought from the applicant that they are agreeable to this. In addition, given the size of the three units it is unlikely that they would be occupied by families. It is considered that a holiday use would be less intensive in terms of vehicle movements than a permanent residential use, and the post-graduate use to a lesser extent. However, on balance, given the proximity to Galgate and the pedestrian links, the relatively small scale of the development, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create three permanent open market dwellings is not considered to result in significant adverse impacts and is therefore considered to be acceptable in principle

### 7.3 Residential amenity

7.3.1 Each of the three dwellings has two bedrooms, a lounge/dining room, kitchen and bathroom. Although quite small these appear to meet the Council's standards in terms of room sizes for flats. Part of the courtyard to the front has been walled off to provide shared external amenity space and an additional large amenity area is available at the rear of the building. On the original plan this was shown as a communal sitting/ recreation area. However, with the change to residential use it would be more appropriate if separate gardens were provided, to provide some private amenity space. Clarification has been sought with regards to this and it is not considered that fences would be appropriate. There are concerns that the use as residential accommodation could lead to more domestic paraphernalia, as can be seen at present and it needs to be ensured that appropriate boundaries are provided in addition to retention of existing screening. One of the units (number 1) would have no private amenity space, with just a shared courtyard at the front. Whilst this would not usually be acceptable, given the small size of the unit it is not considered to be a substantial reason to resist the proposal. It is not considered that there are issues with overlooking between the units.

7.3.2 The submission sets out that this is a working farm and there are a number of agricultural buildings to the southeast. It is understood that access to the farm was formally through the central courtyard but there is now a newer track to the north east of the buildings. It is also noted that there is also one to the southwest providing access to the farm buildings. Therefore farm vehicles will no longer pass in close proximity to these units, except along the highway. It is the manoeuvring of vehicles that is likely to cause disturbance, particularly at early hours in the morning. These units are between approximately 60 and 40 metres from the main farm yard and nearest agricultural buildings. The closer unit has its windows facing away from this. Whilst there would normally be concern about the siting of a new agricultural building that close to a residential property, it is accepted that someone occupying a property on a farm would expect a level of disturbance and smell associated with the farming operation. Given the distance and intervening buildings, it is not considered that there would

be a significant detrimental impact on the amenities of the occupiers.

**8.0 Planning Obligations**

8.1 There are none to consider as part of this application.

**9.0 Conclusions**

9.1 Whilst this is not a location where new residential development would usually be supported, the NPPF emphasises a presumption in favour of sustainable development and due to the lack of a five year land supply, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. As such, on balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create two permanent open market dwellings is not considered to result in significant adverse impact and is therefore considered to be acceptable. The retention of the footpath on the applicant's land is an important part of this condition and it is therefore considered necessary that this is conditioned.

**Recommendation**

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

1. Plans
2. Parking spaces
3. Removal of permitted development rights – Parts 1 and 2 of Schedule 2
4. Retention of footpath

**Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None

<b>Agenda Item</b> A14	<b>Committee Date</b> 6 March 2017	<b>Application Number</b> 16/01613/VLA
<b>Application Site</b> 1 To 3 Sellerley Farm Conder Green Road Galgate Lancaster	<b>Proposal</b> Variation of legal agreement attached to planning permission 01/00874/CU to vary or revoke the occupancy restriction	
<b>Name of Applicant</b> Mr Edward Newsham	<b>Name of Agent</b> Mr David Hall	
<b>Decision Target Date</b> Extension of time until 9 March 2017	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request is that the site is in a sustainable location to Galgate and the proposal will create dwellings needed in the village.

**1.0 The Site and its Surroundings**

1.1 The site relates to a complex of converted barns, comprising 9 individual units, located on a farm off Conder Green Lane, approximately 800 metres to the southwest of Galgate. The buildings were converted under several consents and are restricted to use as short term holiday accommodation or for post graduate students. In addition to these units, there is also an existing farmhouse at the north eastern edge of the complex, and a number of agricultural buildings to the southeast. The buildings are arranged around a central courtyard to which there is an existing access off Conder Green Lane and provides a parking area. This leads through to a number of agricultural buildings which are set further back from the road. There are two additional accesses which serve the farm buildings to the north east and south west of the buildings.

1.2 This particular application relates to a group of single storey buildings arranged in an almost 'u' shape which have been separated into three units. The north west elevation abuts the narrow highway verge and contains no windows. The south west elevation faces a mostly open gassed and gravelled area and most of the south east elevation abuts a large barn which has recently gained approval under the prior approval process to be converted to two dwellings. The buildings front onto a shared courtyard area enclosed by a low stone wall, beyond which is a parking area. The site is located within the Countryside Area as identified on the Local Plan Proposals Map.

**2.0 The Proposal**

2.1 Planning permission was granted in 2002 for the conversion of the buildings to three residential units with the occupancy restricted to post graduate students or short-term holiday lets. This application seeks to discharge the Legal Agreement which restricts the occupancy. It will result in three

unrestricted residential units. There is also a condition on the planning consent which includes similar occupancy restrictions and a separate application has been submitted to remove this (16/01593/RCN).

**3.0 Site History**

3.1 There are three separate permissions at Sellerley Farm relating to the conversion of barns and other outbuildings which were approved between 1999 and 2005. These permissions were granted for the use of the buildings for residential use but limited the occupancy to short term holiday use or student accommodation, with the exception of the agricultural worker’s dwelling. The most relevant site history is set out below:

Application Number	Proposal	Decision
16/00793/PAA	Prior Approval for the change of use of an agricultural building to two dwellinghouses (C3)	Approved
15/00389/ELDC	Existing Lawful Development Application for the use of 9 holiday cottages to be used as unfettered residential dwellings	Refused and appeal dismissed
14/00985/ELDC	Existing Lawful Development Application for the use of 9 dwellings to be used as permanent residences	Withdrawn
05/00742/CU	Change of use and conversion of redundant buildings to form tourist and overnight accommodation	Approved
01/00874/CU	Change of use and conversion of farm buildings to form student/tourist accommodation (3 units)	Approved
99/00489/CU	Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats	Approved

**4.0 Consultation Responses**

4.1 None

**5.0 Neighbour Representations**

5.1 None

**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  
 Paragraph 55 – Housing in Rural Areas  
 Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its’ Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the

Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC3 – Rural Communities  
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted December 2014)

DM8 – The Re-use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM28 – Development and Landscape Impact  
DM35 – Key Design Principles  
DM41 – New Residential Development  
DM42 – Managing Rural Housing Growth

**7.0 Comment and Analysis**

7.1 The main issues are:

- Principle of permanent residential accommodation
- Impact on residential amenity

7.2 Principle of permanent residential accommodation

7.2.1 The application seeks consent to discharge the legal agreement on the planning approval in 2002 which restricts the occupancy of the three units to post-graduate students or short term holiday accommodation. This would mean that these could be occupied on a permanent basis for residential use, subject to the discharge of the legal agreement. Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

7.2.2 The application site is located in the open countryside approximately 650 metres from the edge of the built up area of Galgate. As such, new residential development in this location would not usually be supported as the site it is not considered to be well related the village. Paragraph 55 of the NPPF sets out the special circumstances where new isolated homes in the countryside would be supported. These include: the essential need for a rural worker to live at or near their place of work

in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 7.2.3 The building was formally agricultural but has already been converted to accommodation for post-graduate students and short term holiday accommodation. It is understood that the units are currently being occupied as permanent residential dwellings, contrary to the planning condition and legal agreement. As the building is in use, and has consent for the post-graduate and holiday use, it cannot be considered to be redundant or disused. In addition, it is not considered that the use as permanent residential accommodation would lead to an enhancement of the setting of the building and would more likely cause harm as a result of increased domestic paraphernalia and possibly vehicles and is partly evident at present. This is in contrast to the development that was approved at appeal at Scale House Farm, approximately 350 metres to the west, for the removal of holiday occupancy conditions on a consent for the conversion of a large barn. In the Inspector's report it was set out that the occupiers would be heavily reliant on the use of motor vehicles to access facilities and services and the site was not in an accessible location. However, it was considered that the proposal would meet the special circumstances test for isolated new dwellings in the countryside as set out in paragraph 55 of the NPPF as the removal of the large modern agricultural buildings in close proximity to the barn would lead to an enhancement of the immediate setting of the building. In this case, although consent had already been granted for holiday accommodation, this had not been implemented or used for this purpose and was therefore still a redundant building.
- 7.2.4 An appeal for a similar proposal, to the current application, at Old Waterslack Farm near Silverdale was recently dismissed. This related to the removal of a legal agreement that restricted the use of two holiday cottages, granted consent in 1991 for the conversion from two shippens. The change of use had been implemented, although the applicant indicated that the units were currently being used as permanent dwellings and not as holiday lets. It was argued that the use as holiday lets was redundant due to the limited demand for such a use in this area, and as they were already being used as permanent dwellings they were technically dis-used as holiday lets. However, the Inspector's report set out that no substantive evidence had been provided to support the claim that there was limited demand for holiday lets in the area, or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. It was therefore concluded that the units were not considered to be redundant or dis-used buildings and would add unnecessarily to sporadic development in the countryside, would fail to achieve any significant economic, social and environmental benefits and as a result it would not represent a sustainable form of development.
- 7.2.5 The current submission sets out that, as part of a farm diversification scheme, various traditional but redundant buildings were converted to holiday and post graduate student accommodation between 1999 and 2006. It goes on to say that changes in the market conditions, primarily increased alternative better placed availability, has seen the demand for these units for their intended purpose decline over time. Given the significant investment which had been undertaken, and rather than leave the dwellings vacant, the owners have responded positively to requests from mainly local people for small relatively inexpensive permanent dwellings and have permitted them to be occupied full time. The submission sets out that this has taken place over a period of time such that most of the units have been occupied on a permanent basis for a number of years. As with the case referred to above, no substantive evidence has been provided to demonstrate that there is no longer a need for holiday or post graduate accommodation in this location. It is noted that letters of support have been provided by occupiers of some of the units, and the agent has raised concerns about social hardship if consent is not granted and they need to leave the properties. However, the application must be considered against planning policies and material planning considerations, in particular whether the proposal constitutes a sustainable form of development. The applicant has let the properties knowing that there is a restriction to the occupancy and has not previously sought consent from the Council to remove these restrictions.
- 7.2.6 Whilst new build development in this location would not be usually supported, it does relate to existing buildings, although not disused. It is also accepted that a prior approval for the conversion of a barn on this site has recently been granted under permitted development rights. However, this does not allow the sustainability of the location to be taken into account and does not constitute a material planning consideration in terms of the current application. The location is also not wholly isolated from Galgate, being approximately 650 metres from the edge of the settlement and a further 700 metres from services in the centre. The road between the site and the edge of the settlement is

narrow with hedges on either side for most of the length, limited verges and a 60mph speed limit. However, there is a permissive footway on the applicant's land behind the hedge for a distance of approximately 550 metres and the last 100 metres of the road is more open with the exception of the canal bridge. However, this is unlit and not surfaced and as such, is likely to discourage its use in the evening and during winter. Whilst it is on a cycle route, the Inspector for the Scale House Farm appeal did note that the road network did not lend itself to regular, safe and convenient use by cyclists, although this site is slightly closer to the village.

7.2.7 The presence of the footway is a considerable factor supporting the location. Whilst it is likely that people living in these properties would be quite reliant on private transport, this does provide a link to the village off the road for the most part. At present this is just a permissive path and as such its use could be withdrawn at any time. It is considered that this could be adequately controlled through a condition on the planning consent that this is retained at all times as it is on the applicant's land. Clarification will be sought from the applicant that they are agreeable to this. In addition, given the size of the three units it is unlikely that they would be occupied by families. It is considered that a holiday use would be less intensive in terms of vehicle movements than a permanent residential use, and the post-graduate use to a lesser extent. However, on balance, given the proximity to Galgate and the pedestrian links, the relatively small scale of the development, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create three permanent open market dwellings is not considered to result in significant adverse impacts and is therefore considered to be acceptable in principle

### 7.3 Residential amenity

7.3.1 Each of the three dwellings has two bedrooms, a lounge/dining room, kitchen and bathroom. Although quite small these appear to meet the Council's standards in terms of room sizes for flats. Part of the courtyard to the front has been walled off to provide shared external amenity space and an additional large amenity area is available at the rear of the building. On the original plan this was shown as a communal sitting/ recreation area. However, with the change to residential use it would be more appropriate if separate gardens were provided, to provide some private amenity space. Clarification has been sought with regards to this and it is not considered that fences would be appropriate. There are concerns that the use as residential accommodation could lead to more domestic paraphernalia, as can be seen at present and it needs to be ensured that appropriate boundaries are provided in addition to retention of existing screening. One of the units (number 1) would have no private amenity space, with just a shared courtyard at the front. Whilst this would not usually be acceptable, given the small size of the unit it is not considered to be a substantial reason to resist the proposal. It is not considered that there are issues with overlooking between the units.

7.3.2 The submission sets out that this is a working farm and there are a number of agricultural buildings to the southeast. It is understood that access to the farm was formally through the central courtyard but there is now a newer track to the north east of the buildings. It is also noted that there is also one to the southwest providing access to the farm buildings. Therefore farm vehicles will no longer pass in close proximity to these units, except along the highway. It is the manoeuvring of vehicles that is likely to cause disturbance, particularly at early hours in the morning. These units are between approximately 60 and 40 metres from the main farm yard and nearest agricultural buildings. The closer unit has its windows facing away from this. Whilst there would normally be concern about the siting of a new agricultural building that close to a residential property, it is accepted that someone occupying a property on a farm would expect a level of disturbance and smell associated with the farming operation. Given the distance and intervening buildings, it is not considered that there would be a significant detrimental impact on the amenities of the occupiers.

## **8.0 Planning Obligations**

8.1 The granting of this consent will require a Deed of Discharge to remove the requirement on the legal agreement.

## **9.0 Conclusions**

9.1 Whilst this is not a location where new residential development would usually be supported, the NPPF emphasises a presumption in favour of sustainable development and due to the lack of a five year land supply, permission should be granted unless any adverse impact of doing so would



significantly and demonstrably outweigh the benefits. As such, on balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create two permanent open market dwellings is not considered to result in significant adverse impact and is therefore considered to be acceptable. It is not therefore considered that these requirements on the legal agreement still serve a useful purpose and can therefore be removed.

### **Recommendation**

That the legal agreement attached to planning consent 01/00874/CU is discharged.

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None

<b>Agenda Item</b> A15	<b>Committee Date</b> 6 March 2017	<b>Application Number</b> 16/01594/RCN
<b>Application Site</b> 5 To 8 Sellerley Farm Conder Green Road Galgate Lancaster		<b>Proposal</b> Change of use and conversion of redundant buildings to form tourist and overnight accommodation (pursuant to the removal of condition 7 and 8 on planning permission 05/00742/CU to permit the continuance of permanent residential occupancy)
<b>Name of Applicant</b> Mrs Bargh		<b>Name of Agent</b> Mr David Hall
<b>Decision Target Date</b> Extension of time until 9 March 2017		<b>Reason For Delay</b> None
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Refusal

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request is that the site is in a sustainable location to Galgate and the proposal will create dwellings needed in the village.

**1.0 The Site and its Surroundings**

- 1.1 The site relates to a complex of converted barns, comprising 9 individual units, located on a farm off Conder Green Lane, approximately 800 metres to the southwest of Galgate. The buildings were converted under several consents and are restricted to use as short term holiday accommodation or for post graduate students. In addition to these units, there is also an existing farmhouse at the north eastern edge of the complex, and a number of agricultural buildings to the southeast. The buildings are arranged around a central courtyard to which there is an existing access off Conder Green Lane and provides a parking area. This leads through to a number of agricultural buildings which are set further back from the road. There are two additional accesses which serve the farm buildings to the north east and south west of the buildings.
- 1.2 This particular application relates to a large stone building located on the south eastern edge of the courtyard. It is understood that this was a former stable building and it has been converted into four holiday units, each over three floors, and a camping bothy over two floors. The units front onto the shared courtyard which provides parking and at the rear there is a narrow shared garden/ yard area. This abuts a large hardstanding area which is used by farm vehicles and provides access to the farm buildings. The site is located within the Countryside Area as identified on the Local Plan Proposals Map.

**2.0 The Proposal**

- 2.1 Planning permission was granted in 2005 for the conversion of the building to five units of holiday accommodation, one of which was identified as a camping bothy. This application seeks to remove

conditions 7 and 8 from the consent in so far as they relate to numbers 4-7 Sellerley Farm and not the camping bothy. Condition 7 limits the occupancy of the units to short term holiday accommodation and ties them to the farm holding. Condition 8 requires a register to be kept of the occupancy of the building and for it to be made available when required for inspection by the Council. Removal of the conditions would permit the units to be used as permanent accommodation. If the bothy is to remain as holiday accommodation then a new condition would need to be added to relate to this.

**3.0 Site History**

3.1 There are three separate permissions at Sellerley Farm relating to the conversion of barns and other outbuildings which were approved between 1999 and 2005. These permissions were granted for the use of the buildings for residential use but limited the occupancy to short term holiday use or student accommodation, with the exception of the agricultural worker’s dwelling. The most relevant site history is set out below:

Application Number	Proposal	Decision
16/00793/PAA	Prior Approval for the change of use of an agricultural building to two dwellinghouses (C3)	Approved
15/00389/ELDC	Existing Lawful Development Application for the use of 9 holiday cottages to be used as unfettered residential dwellings	Refused and appeal dismissed
14/00985/ELDC	Existing Lawful Development Application for the use of 9 dwellings to be used as permanent residences	Withdrawn
05/00742/CU	Change of use and conversion of redundant buildings to form tourist and overnight accommodation	Approved
01/00874/CU	Change of use and conversion of farm buildings to form student/tourist accommodation (3 units)	Approved
99/00489/CU	Change of use and conversion of agricultural building to residential dwelling and post graduate student family/holiday flats	Approved

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	Support
County Highways	No objection
Environmental Health	No comments received during the consultation period.

**5.0 Neighbour Representations**

5.1 None received

**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  
 Paragraph 55 – Housing in Rural Areas  
 Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

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

SC1 – Sustainable Development  
SC3 – Rural Communities  
SC5 – Achieving Quality in Design

### 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

### 6.5 Development Management Development Plan Document (adopted December 2014)

DM8 – The Re-use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM28 – Development and Landscape Impact  
DM35 – Key Design Principles  
DM41 – New Residential Development  
DM42 – Managing Rural Housing Growth

## **7.0 Comment and Analysis**

### 7.1 The main issues are:

- Principle of permanent residential accommodation
- Impact on residential amenity

### 7.2 Principle of permanent residential accommodation

7.2.1 The application seeks consent to remove two conditions on the planning approval in 2005 which restricts the occupancy of four units to short term holiday accommodation, linked to the farm complex, and requires a bound register of the occupancy of the units. This would mean that these could be occupied on a permanent basis for residential use. Policy SC1 of the Core Strategy

requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

- 7.2.2 The application site is located in the open countryside approximately 650 metres from the edge of the built up area of Galgate. As such, new residential development in this location would not usually be supported as the site it is not considered to be well related the village. Paragraph 55 of the NPPF sets out the special circumstances where new isolated homes in the countryside would be supported. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 7.2.3 The building was formally agricultural but has already been converted to accommodation for short term holiday accommodation. It is understood that at least some of the units are currently being occupied as permanent residential dwellings, contrary to the planning condition. As the building is in use, and has consent for holiday use, it cannot be considered to be redundant or disused. In addition, it is not considered that the use as permanent residential accommodation would lead to an enhancement of the setting of the building and would more likely cause harm as a result of increased domestic paraphernalia and possibly vehicles and is partly evident at present. This is in contrast to the development that was approved at appeal at Scale House Farm, approximately 350 metres to the west, for the removal of holiday occupancy conditions on a consent for the conversion of a large barn. In the Inspector's report it was set out that the occupiers would be heavily reliant on the use of motor vehicles to access facilities and services and the site was not in an accessible location. However, it was considered that the proposal would meet the special circumstances test for isolated new dwellings in the countryside as set out in paragraph 55 of the NPPF as the removal of the large modern agricultural buildings in close proximity to the barn would lead to an enhancement of the immediate setting of the building. In this case, although consent had already been granted for holiday accommodation, this had not been implemented or used for this purpose and was therefore still a redundant building.
- 7.2.4 An appeal for a similar proposal, to the current application, at Old Waterslack Farm near Silverdale was recently dismissed. This related to the removal of a legal agreement that restricted the use of two holiday cottages, granted consent in 1991 for the conversion from two shippens. The change of use had been implemented, although the applicant indicated that the units were currently being used as permanent dwellings and not as holiday lets. It was argued that the use as holiday lets was redundant due to the limited demand for such a use in this area, and as they were already being used as permanent dwellings they were technically dis-used as holiday lets. However, the Inspector's report set out that no substantive evidence had been provided to support the claim that there was limited demand for holiday lets in the area, or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. It was therefore concluded that the units were not considered to be redundant or dis-used buildings and would add unnecessarily to sporadic development in the countryside, would fail to achieve any significant economic, social and environmental benefits and as a result it would not represent a sustainable form of development.
- 7.2.5 The current submission sets out that, as part of a farm diversification scheme, various traditional but redundant buildings were converted to holiday and post graduate student accommodation between 1999 and 2006. It goes on to say that changes in the market conditions, primarily increased alternative better placed availability, has seen the demand for these units for their intended purpose decline over time. Given the significant investment which had been undertaken, and rather than leave the dwellings vacant, the owners have responded positively to requests from mainly local people for small relatively inexpensive permanent dwellings and have permitted them to be occupied full time. The submission sets out that this has taken place over a period of time such that most of the units have been occupied on a permanent basis for a number of years. As with the case referred to above, no substantive evidence has been provided to demonstrate that there is no longer a need for holiday or post graduate accommodation in this location. It is noted that letters of support have been provided by occupiers of some of the units on the whole complex, and the agent has raised

concerns about social hardship if consent is not granted and they need to leave the properties. However, the application must be considered against planning policies and material planning considerations, in particular whether the proposal constitutes a sustainable form of development. The applicant has let the properties knowing that there is a restriction to the occupancy and has not previously sought consent from the Council to remove these restrictions.

- 7.2.6 Whilst new build development in this location would not be usually supported, it does relate to existing buildings, although not disused. It is also accepted that a prior approval for the conversion of a barn on this site has recently been granted under permitted development rights. However, this does not allow the sustainability of the location to be taken into account and does not constitute a material planning consideration in terms of the current application. The location is also not wholly isolated from Galgate, being approximately 650m from the edge of the settlement and a further 700m from services in the centre. The road between the site and the settlement edge is narrow with hedges on either side for most of the length, limited verges and a 60mph speed limit. However, there is a permissive footway on the applicant's land behind the hedge for a distance of approximately 550m and the last 100m of the road is more open with the exception of the canal bridge. However, this is unlit and not surfaced and as such, is likely to discourage its use in the evening and during winter. The 2005 consent did require this to be created as part of a condition to provide safe access to Galgate. However, it was proposed to extend up to the canal bridge and it is not clear whether the precise details of the width and surfacing were formally agreed. Whilst it is on a cycle route, the Inspector for the Scale House Farm appeal noted that the road network did not lend itself to regular, safe and convenient use by cyclists, although this site is slightly closer to the village.
- 7.2.7 The presence of the footway is a considerable factor supporting the location. Whilst it is likely that people living in these properties would be quite reliant on private transport, this does provide a link to the village off the road for the most part. It would therefore be appropriate to condition that this is retained at all times as it is on the applicant's land. In addition, given the size of the two units it is unlikely that they would be occupied by families. It is considered that a holiday use would be less intensive in terms of vehicle movements than a permanent residential use. However, on balance, given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, and the contribution that the proposal will provide towards housing, the removal of the occupancy condition to create four permanent open market dwellings is not considered to result in significant adverse impacts in terms of its location and is therefore considered to be acceptable in principle.
- 7.3 Residential amenity
- 7.3.1 The accommodation in the four units is arranged over three floors with a kitchen and shower/toilet on ground floor, a lounge on the middle floor and a bedroom on the upper floor. The location of the shower room/toilet is not ideal given that it requires an occupier to walk down two flights of stairs and through the lounge from the bedroom to reach this. However, they are only one bedroom units. The bedrooms are only served by rooflights and it does not appear that they provide any outlook, although this will be clarified. The amount of private amenity space is very limited and does not appear to be divided to serve each unit individually.
- 7.3.2 The submission sets out that this is a working farm and there are a number of agricultural buildings to the southeast. It is understood that access to the farm was formally through the central courtyard but there is now a newer track to the north east of the buildings. It is also noted that there is also one to the southwest providing access to the farm buildings. These four units are the closest to the farm operation and, from a visit to the site, it appears that large farm vehicles come within approx. 6 metres of the rear wall of the dwelling, evidenced by tire marks left in the mud. There is also approximately 20 metres between the rear of the units and the nearest agricultural building. Whilst the reports in relation to the other units on the site consider that there is unlikely to be a significant detrimental impact on the amenities of the occupiers of those units, it is not considered to be the case in this instance.
- 7.3.3 There are windows in the rear of the walls and roof which serve the living accommodation and face towards the farm operation. The external amenity space is also on this side of the building. Given the proximity to the farm complex there are significant concerns regarding the negative impact that movements of farm vehicle, animals and associated noise and smells will have on the occupiers of these properties. It is understood that this is a dairy farm, with cows milked twice a day, and that they also keep free-range chickens. However clarification has been sought with regards to the use of the

nearest buildings closest to the site. In any event, there would be little control over the use of these, vehicles and animal movements, including the hours of these. In coming to this conclusion, a search has been carried out on case law relating to similar developments in close proximity to farm complexes. There are a number of cases where appeals have been dismissed due to impacts on amenities of future occupants. In one such case, the Inspector set out that while future occupiers would be inclined to tolerate a certain environment due to a farmstead location, the dwelling would lie in the midst of a farm and this was likely to result in unacceptable living conditions. In this case the dwelling lay next to a farm track and opposite a modern farm building and it was considered that there would be potential for disturbance to arise as a result of animals and farm machinery using the track and smells from animals and their waste would add to the problem. The same issues do not apply when occupied as short term holiday accommodation as the same level of amenity would not be expected as with permanent dwelling.

- 7.3.4 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants. Given the proximity of the units to the operational farm, including tracks and buildings, it is not considered that the proposal would provide an acceptable level of amenity for occupiers of these units and therefore it is considered that the holiday use restriction should be retained.

### **8.0 Planning Obligations**

- 8.1 There are none to consider as part of this application.

### **9.0 Conclusions**

- 9.1 Whilst this is not a location where new residential development would usually be supported, the NPPF emphasises a presumption in favour of sustainable development and due to the lack of a five year land supply, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits. Given the proximity to Galgate and the pedestrian links, the reuse of the buildings although not redundant, the location of the building is not considered to be a substantial reason to resist the proposal. However, given the very close proximity of the units to the farm complex, it is not considered that the proposal would create acceptable living conditions when occupied on a permanent residential basis and would result in a detrimental impact on the amenities of occupiers of the units. It is not therefore considered that the benefits of the proposal, in terms of housing need, outweigh the negative impacts that the development would have on the amenity of occupiers of the units.

### **Recommendation**

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

1. Given the close proximity of the application site to an existing farm operation, the proposal fails to provide an acceptable level of amenity for the future occupiers of the dwellings. It is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular the Core Planning Principles and Section 7, and Policy DM35 of the Development Management Development Plan Document.

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm that it has taken a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons set out in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

### **Background Papers**

None

Agenda Item A16	Committee Date 6 March 2017	Application Number 17/00038/VCN
<b>Application Site</b>  Grasscroft Borwick Avenue Warton Carnforth	<b>Proposal</b>  Erection of three dwellings with garages and associated access and landscaping (pursuant to the variation of condition 2 of planning application 15/00425/FUL to amend the site layout and amend windows and materials)	
<b>Name of Applicant</b>  Mr Julian Stainton	<b>Name of Agent</b>	
<b>Decision Target Date</b>  24 March 2017	<b>Reason For Delay</b>  None	
<b>Case Officer</b>	Mrs Petra Williams	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

**(i) Procedural Matter**

This form of application would normally be deal with under the Scheme of Delegation, however, the joint applicant is a member of staff within the local authority and consequently the application needs to be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located within the village of Warton between Borwick Avenue and Warton Bowling Club. The site lies within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and is within a wider Countryside Area. Warton Conservation Area boundary lies approximately 50m to the northwest of the application site beyond the bowling green running along Church Walk. Properties on the west side of Church Walk are two storey semi-detached 1930's housing and predominantly single storey bungalows to the east side of Church Walk.
- 1.2 The site is currently being developed following the grant of consent for 3 dwellings under application 15/00425/FUL. The site boundaries comprise, mature privet hedgerow to the east along Borwick Avenue, a mixture of mature hedgerow, trees and fencing along the southern boundary of the residential properties on Borwick Lane, and a 1.3m high limestone wall to the western boundary with the bowling green. To the north west of the site a single dwelling is under construction on the site of a former haulage yard.
- 1.3 Ground levels generally fall northeast to southwest with the land to the east of Borwick Avenue siting approximately 2.0m higher than the application site. The dwellings fronting Borwick Lane lie slightly lower (approximately 0.6m) than the application site. A section across the site indicates a difference in level (Grasscroft to the north and 17 Borwick Lane to the south) of approximately 1.5m.
- 1.4 The immediate area has a mix of property types, in terms of age, style and over height. Adjacent to the site to the north are Grasscroft House (two storey) and Grasscroft Bungalow owned by the former owner of the building plots. On Borwick Avenue sitting at a higher level there are two pairs of two-



storey semi-detached houses built in the 1930's. There are four chalet style bungalows adjacent to the site on Borwick Lane with a detached two storey house also on Borwick Lane at the junction with Borwick Avenue. The bungalows enjoy generous rear gardens with a depth of approximately 18m. The properties on Borwick Avenue are set well back from the road with front gardens on a similar length and a separation distance to the edge of the application site of over 25m.

**2.0 The Proposal**

2.1 Following the recent approval of 15/00425/FUL for the erection of three dwellings, the application seeks to vary condition 2 of planning permission relating to approved plans. The purpose of the application is to amend the approved layout slightly in order to accommodate garages for each of the three dwellings as well as a small number of material amendments.

**3.0 Site History**

3.1 The most recent and relevant planning history is summarised in the table below.

Application Number	Proposal	Decision
15/00425/FUL	Erection of three dwellings with garages and associated access and landscaping	Permitted
16/00278/FUL	Erection of one dwelling with associated access and landscaping	Permitted
16/00813/FUL	Erection of a detached 2-storey dwelling (C3) with associated access and landscaping	Permitted

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	No objections - All of the proposed amendments are contained wholly within the curtilage of the application site and as a consequence will have no detrimental impact to the management of surrounding lengths of the public highway network.
Conservation Officer	No comments received at the time of compiling this report. Any comments received will be reported verbally to Members.
Tree Protection Officer	No comments received at the time of compiling this report. Any comments received will be reported verbally to Members.
Parish Council	No comments received at the time of compiling this report. Any comments received will be reported verbally to Members.

**5.0 Neighbour Representations**

5.1 One item of public comment has been received. The letter questions how the garage to the rear of plots 2 and 3 will be constructed and finished. It also questions what the will be the finish of the double garage.

**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
- Paragraph 115 - Areas of Outstanding Natural Beauty
- Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

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

- SC1 – Sustainable Development
- SC2 – Urban Concentration
- SC3 – Rural Communities
- SC5 – Achieving Quality in Design

## 6.4 Development Management Development Plan Document (adopted July 2014)

- DM20 – Enhancing Accessibility and Transport Linkages
- DM22 – Vehicle Parking Provision
- DM27 – Protection and Enhancement of Biodiversity
- DM28 – Development and Landscape Impact
- DM29 – Protection of Trees, Hedgerows and Woodland
- DM32 – Setting of Heritage Assets
- DM35 – Key Design Principles
- DM41 – New Residential dwellings
- DM42 – Managing Rural Housing Growth

## 6.5 Lancaster District Local Plan (Saved Policies)

- E3 – Development affecting Areas of Outstanding Natural Beauty

## **7.0 Comment and Analysis**

### 7.1 The main issues are:

- Design and materials
- Impacts upon residential amenity
- Highway Impacts
- Impacts upon the conservation area and wider Area of Outstanding Natural Beauty (AONB)

## 7.2 Design and Materials

7.2.1 The main issue are the proposed changes to the layout to facilitate the inclusion of garages.

Plot 1 – The footprint of the approved dwelling for plot 1 will be shifted slightly (2m) to the north-west of the site in order to facilitate the incorporation of an attached pitched roof garage to the south-eastern elevation. The garage itself would be 6m wide by 8.6m and would incorporate a utility room within the rear portion of the structure. It is considered that this will offer an improved arrangement as the previously approved plans proposed a detached garage offset to the front of the property. Other than that the proposed design of plot 1 remains largely unaltered. Materials to the dwelling and garage will comprise render and stone as previously approved although more natural stone will be introduced to the main front elevation which is considered to be a positive approach.

7.2.2 Plot 2 and 3 – These are currently being developed. The key change here will be to the position of the site boundary between the two plots in order provide a shared access drive. The drive will provide access to a detached double garage which is to be built against the south-western boundary. The garage will have a footprint of 6.5m by 5.5m and will be 4.3m to the pitched roof and 2.1m to the eaves. This garage will have a slate roof and rendered elevations and will therefore harmonise with the previously approved dwellings and is therefore considered acceptable.

7.2.3 Also included within this application (for completeness) are changes made to the original design of plots 2 and 3. These related to changes to roof-form and the introduction of limestone to the whole of the front elevation. All these changes were fully considered and found to be acceptable under the previous submissions (16/00278/FUL and 16/00813/FUL).

7.2.4 Overall the scheme is seeking to use materials which are sympathetic to the area and will harmonise within the wider townscape of this part of Warton and the wider Warton Conservation Area.

## 7.3 Impacts upon residential amenity

7.3.1 The previously approved scheme raised objections from neighbouring occupiers but, following assessment, they were acceptable in terms of residential amenity. It is considered that the slight relocation of the footprint of plot 1 will not result in detrimental impacts on neighbouring occupants.

7.3.2 The properties to the south enjoy good sized rear gardens approximately 18m in depth and as such it is considered that the introduction of the detached garage adjacent to the south-eastern boundary will not result in adverse amenity impacts. A letter from a neighbouring occupant to the rear of the site queries the finish of the double garage. The finish will be render but precise details will be conditioned. The neighbour also questions how the garage will be constructed and finished in such close proximity to the boundary. However, the granting of consent would not give the applicant the right of access on to the neighbours land and this issue would be a private legal matter. Overall, it is considered that the current submission will not result in detrimental neighbouring impacts.

## 7.4 Highway Impacts

7.4.1 County Highways have not raised objection to the development as it does not materially differ from the earlier approved scheme. As part of the earlier approval, payment for the upgrading (white-lining) of the junction between Borwick Avenue and Borwick Lane has been taken and the associated works undertaken by Lancashire County Council.

## 7.5 Impacts upon the Conservation Area and wider Area of Outstanding Natural Beauty (AONB)

7.5.1 The site is located outside but close to the southeast boundary of Warton Conservation Area. The boundary lies some 50m to the northwest of the site boundary following Church Walk. The bowling club lies between the Conservation Area and the application site. Properties along Church Walk reflect those around the application site with a mixture of semi-detached two storey houses and detached bungalows. There are current views out of the Conservation Area across the bowling club and the application site. The new dwellings will reflect materials and broader building form of their neighbours.

7.5.2 It is considered that given the scale and nature of the proposed changes, the development will not result in adverse impacts on the setting of the nearby conservation area or the landscape of the wider AONB.

## 7.6 Other Matters

7.6.1 Trees and Hedgerows – Development of the previously approved scheme has resulted in the loss a two section of mature hedgerow to improve site access off Borwick Avenue and allow access to the three plots.

7.6.2 A number of semi-mature trees lie immediately along the southern boundary of the application site but within the garden areas of the dwellings on Borwick Lane. In addition a mature hedgerow forms the southern boundary of the current application site as well as the whole of the larger approved site. The value of the hedgerow and trees have previously been recognised and are proposed to be retained. The current application continues with the retention of the hedgerows/trees and is supported by an Arboricultural Assessment setting out a methodology for root protection during the construction period. In practice, this has already been addressed and is in place as part of the implementation of the earlier consent for three dwellings with a tree protection fencing erected along both the southern and eastern site boundaries of the larger plot. Condition should be attached to ensure the retention of the tree/hedge protection fencing during the construction period. Comments for the Tree Protection Officer have not been received at the time of writing this report would will be reported verbally to Committee.

7.6.3 Contaminated Land - As part of the earlier application relating to the site, a full contaminated Land Assessment has been carried out and is seen to be acceptable by the Contaminated Land Officer who raised no objections to the previous submission and suggested an unforeseen contamination condition. This condition will therefore be repeated.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 The proposed amendments to the layout and house types do not deviate significantly from the originally approved development. The amendments maintain and secure a high quality form of development that accords with local planning policy DM35 and section 7 (requiring good design) of the NPPF. On this basis, Members are recommended to support the application.

## **Recommendation**

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

1. Approved Plans list
2. Details of garage doors
3. Parking areas to be provide and maintained
4. Root protection measures set out in the detailed Arboriculture Assessment to be retained during the construction period
5. No tree/hedges to be felled other than those agreed
6. Landscaping/planting scheme
7. The hedgerow boundary to Borwick Avenue shall be retained at its current height of 2.0m unless otherwise agreed
8. Details of external materials of double garage to plots 2 and 3
9. Details/samples of all external materials to dwellings
10. Details of all boundaries including internal plot boundaries
11. Details of construction and finish to windows and doors
12. Details of rainwater goods, eaves and fascia
13. The use of the garages shall be ancillary to the dwellings only
14. Obscure glazing to be provided and maintained to all first floor gable windows
15. GDO tolerance removed window and door openings
16. GDO tolerances removed extension
17. Hours of construction

18. Unforeseen contamination

**Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None

## LIST OF DELEGATED PLANNING DECISIONS

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/00089/FUL	The Dalton Rooms, 14 Dalton Square, Lancaster Construction of an external wall within the forecourt for Mr Grant Stringer (Castle Ward 2015 Ward)	Application Withdrawn
16/00203/DIS	Site Of Former Squires Snooker Club, Penny Street, Lancaster Discharge of conditions 2 and 3 on approved application 15/01618/VCN for Mr Damien Spencer (Castle Ward 2015 Ward)	Initial Response Sent
16/00204/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 38 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00205/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 37 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00206/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 36 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00207/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 20 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00208/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 16 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00209/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 23 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00210/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 22 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed

LIST OF DELEGATED PLANNING DECISIONS

16/00211/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 31 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00212/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 42 (changes to requirement 15) on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00213/DIS	Westgate Business Park , Westgate , Morecambe Discharge of condition 9 on approved application 14/00685/FUL for Mr David Moody (Westgate Ward 2015 Ward)	Initial Response Sent
16/00215/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 34 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss PIPPA DOODSON (Overton Ward 2015 Ward)	Request Completed
16/00216/DIS	25 Church Street, Lancaster, Lancashire Discharge of conditions 3 and 4 on approved application 15/01550/CU for Mr Richard Braithwaite (Castle Ward 2015 Ward)	Application Permitted
16/00218/DIS	Site Of Former Squires Snooker Club, Penny Street, Lancaster Discharge of conditions 3 and 4 on approved application 14/01376/LB for Mr Damien Spencer (Castle Ward 2015 Ward)	Initial Response Sent
16/00220/DIS	Lancaster Leisure Park, Wyresdale Road, Lancaster Discharge of conditions 7, 14 and 24 on approved application 12/01109/FUL for Mr Gareth Haslam (John O'Gaunt Ward 2015 Ward)	Closed
16/00222/DIS	Hawthorn Bank, Cove Road, Silverdale Discharge of conditions 3 and 7 on approved application 16/01082/FUL for Mr Mark Hallam (Silverdale Ward 2015 Ward)	Request Completed
16/00223/DIS	Land To The East Of St Wilfrids Hall, Foundry Lane , Halton Discharge of conditions 7, 9 and 17 on approved application 14/01136/OUT for Mr Adam Wells-Burrow (Halton-with-Aughton Ward 2015 Ward)	Initial Response Sent
16/00224/DIS	Land To The East Of St Wilfrids Hall, Foundry Lane , Halton Discharge of condition 9 on approved application 15/01601/REM for Mr Adam Wells-Burrow (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/00718/FUL	15 - 21 West Street, Morecambe, Lancashire Installation of a new shop front with access ramp for Mr Samir Sakka (Harbour Ward 2015 Ward)	Application Permitted
16/00735/FUL	267 - 268 Marine Road Central, Morecambe, Lancashire Replacement of pitched roof with a shallow pitched roof and parapet wall to front elevation for Mr Jason Slater (Poulton Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

16/00966/FUL	Low House Farm, Leck Road, Cantsfield Creation of 5 parcels of hardstanding, an internal access track and installation of septic tank for Mr Robin Caton (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/00997/FUL	Land To The Rear Of 2 And 2A , Silverdale Avenue And, 37 Heysham Mossgate Road Erection of six 2-storey dwellings with associated landscaping and access for Mr Chris Kershaw (Heysham South Ward 2015 Ward)	Application Permitted
16/01001/FUL	Land At, New Road, Warton Change of use of agricultural land to a parking area to include the creation of an access, erection of double gates and rail fencing and installation of a drainage pipe for Mr Nick Godden (Warton Ward 2015 Ward)	Application Permitted
16/01091/VLA	The Sheiling, Kirkby Lonsdale Road, Arkholme Variation of legal agreement attached to planning permission 14/00895/FUL to amend the provisions relating to the management and ownership of the affordable housing units for Mr Martyn Nicholson (Kellet Ward 2015 Ward)	Application Permitted
16/01203/FUL	The Queens Hotel, 273 Marine Road Central, Morecambe Change of use of pub (A4) to mixed use comprising of a bar/restaurant (A3/A4) and 5-bed hotel (C1), erection of a 3 storey rear extension and second floor side extension with second and third floor balconies to the front elevation for Marine Drive Properties Ltd (Poulton Ward 2015 Ward)	Application Refused
16/01204/LB	The Queens Hotel, 273 Marine Road Central, Morecambe Listed building application for the removal and relocation of partition walls in the basement, ground, first and second floors, relocation of the internal staircase and creation of a sliding doorway from an existing window on the front elevation to the facilitate the change of use of pub to mixed use comprising of a bar/restaurant and 5-bed hotel, erection of a 3 storey rear extension and second floor side extension with second and third floor balconies to the front elevation for Mr Panchal (Poulton Ward 2015 Ward)	Application Refused
16/01229/FUL	Petrol Filling Station, Morrisons, Hilmore Way Erection of a side extension to existing kiosk and the creation of 6 parking bays for Mr Carl Conlon (Harbour Ward 2015 Ward)	Application Permitted
16/01262/ELDC	70 Slyne Road, Bolton Le Sands, Carnforth Existing lawful development certificate for the use of land for the sale of motorhomes and caravans for Mr S Hall (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/01292/FUL	32 Hatlex Drive, Hest Bank, Lancaster Demolition of existing single storey rear extension and erection of a single storey side and rear extension for Mr G Hearne (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/01295/FUL	50 Windsor Avenue, Lancaster, Lancashire Construction of raised decking to the rear and erection of fencing for Mr D Turnbull (John O'Gaunt Ward 2015 Ward)	Application Permitted



LIST OF DELEGATED PLANNING DECISIONS

16/01302/OUT	Land At Mill Dam, Off Monkswell Drive, Bolton Le Sands Outline application for the erection of two dwellings with associated landscaping and access for Mr David Hough (Bolton And Slyne Ward 2015 Ward)	Application Refused
16/01314/CU	Barn House, Lowgill Lane, Lowgill Change of use of domestic garden to create a parking area and surfacing of access track for Miss Caroline Parkinson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01374/OUT	Development Land North 49, Hazelmound Drive, Warton Outline application for the erection of 2 dwellings with associated access and parking for Mr & Mrs Spencer (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/01381/OUT	Hunting Hill Lodge, Hunting Hill Road, Carnforth Outline application for the demolition of existing 2 storey rear extension and erection of a dwelling with detached garage for Mr and Ms Adrian Marrocco & Lisamarie Graveson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/01382/FUL	37 Camborne Avenue, Carnforth, Lancashire Erection of a single storey rear extension and construction of a bay window to the front elevation for Mr Martin Baxendale (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
16/01387/FUL	Royal Lancaster Infirmary, Ashton Road, Lancaster Installation of a combined heat and power engine with associated boiler, radiator and 10 metre high flue for Mr Tristram Reynolds (Scotforth West Ward 2015 Ward)	Application Permitted
16/01399/FUL	24 Longmeadow Lane, Heysham, Morecambe Demolition of existing conservatory and erection of 2 single storey rear extensions for Mr Daniel Harrison (Heysham South Ward 2015 Ward)	Application Permitted
16/01408/CU	Falcon House, 4 Queen Square, Lancaster Change of use from offices (B1) to form new student accommodation comprising 8 self contained studio units (C3) and 1 7-bed cluster flat (sui generis) for NA (Castle Ward 2015 Ward)	Application Permitted
16/01409/LB	Falcon House, 4 Queen Square, Lancaster Listed Building application for external and internal works to facilitate the change of use of offices to 8 self contained studios and and 1 7-bed cluster flat to include, creation of partition walls to the ground, first and second floor, repair of existing windows, installation of 2 new internal staircases and screen in an existing first floor doorway for NA (Castle Ward 2015 Ward)	Application Permitted
16/01437/PLDC	290 Heysham Road, Heysham, Morecambe Proposed lawful development certificate for a single storey rear extension and dormer extension to the rear elevation for Mr & Mrs Timothy & Sue Smith (Heysham Central Ward 2015 Ward)	Lawful Development Certificate Granted
16/01446/FUL	Agricultural Building, Kellet Lane, Over Kellet Erection of agricultural building, retrospective alterations to widen the access including creation of a hard standing area, installation of a gate and fencing and other associated landscaping for Mr Andrew Thompson (Kellet Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

16/01457/FUL	11 Greenacre Road, Hest Bank, Lancaster Installation of a replacement raised roof to create first floor living accommodation with a rear balcony, construction of a dormer extension to the front elevation and erection of a single storey rear extension for Mr I. Walker (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01467/FUL	15 Victor Avenue, Morecambe, Lancashire Erection of a single storey rear extension for Mr P Harwood (Bare Ward 2015 Ward)	Application Permitted
16/01470/VCN	Land Adjacent, Campbell Drive, Lancaster Demolition of existing maintenance buildings and erection of 42 houses, 20 flats and a retail unit (use class A1) with associated parking, landscaping and access (pursuant to the variation of condition 2 on planning permission 15/00813/FUL to amend the approved plans and provide information required by conditions 9, 10, 11, 12, 13, 14 and 18) for Mr A McMurtrie (Bulk Ward 2015 Ward)	Application Permitted
16/01477/CU	Units 16 And 17-19 Marketgate, Lancaster, Lancashire Change of use of one retail unit (A1) and one financial services unit (A2) to a ground floor restaurant (A3) and a first floor restaurant (A3) for Elston Holdings Limited (Castle Ward 2015 Ward)	Application Permitted
16/01479/FUL	26 Hall Park, Lancaster, Lancashire Erection of a single storey rear extension and 2 new bay windows to front, removal of chimneys, installation of a raised roof incorporating a dormer extension to the front elevation for Mr & Mrs Brian & Helen Smith (Scotforth West Ward 2015 Ward)	Application Permitted
16/01480/FUL	2 Elms Drive, Morecambe, Lancashire Erection of a single storey extension to the front elevation for Mr & Mrs S. Whiteley (Bare Ward 2015 Ward)	Application Refused
16/01491/FUL	Gudgeons, Woodman Lane, Cowan Bridge Erection of a single storey front extension and 2-storey rear extension for Mr Robert Hughes (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/01495/FUL	Newlands, Lune Valley Estate, Caton Road Retrospective application for the erection of a single storey rear extension, stone rear boundary wall and gates for Mr John Keegan (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01499/FUL	Extension Walney Wind Farm, Borrans Lane, Middleton Onshore works amendments to the Walney Offshore Wind Farm Extension comprising temporary onshore works compound for storage of equipment / plant associated with the beach based activities for Miss Pippa Doodson (Overton Ward 2015 Ward)	Application Permitted
16/01504/FUL	11 Sharpes Avenue, Lancaster, Lancashire Erection of a single storey rear extension, construction of a dormer extension to the rear elevation and installation of a replacement first floor window to front elevation for Mr & Mrs J Titley (Scotforth West Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01505/FUL	10 Lloyd Close, Lancaster, Lancashire Erection of a two storey side extension for Mr & Mrs C Boor (Marsh Ward 2015 Ward)	Application Permitted
16/01511/FUL	15 Main Road, Nether Kellet, Carnforth Erection of a side and front extension to create a catering facility and additional storage for Mr & Mrs Mason (Kellet Ward 2015 Ward)	Application Permitted
16/01517/ELDC	9 Leach House Lane, Galgate, Lancaster Existing Lawful Development Certificate for the erection of a porch/covered area to rear for Mr And Mrs Wolfendale (Ellel Ward 2015 Ward)	Lawful Development Certificate Refused
16/01518/LB	Cawood House, Main Street, Arkholme Listed building application for the erection of a single storey rear extension and removal of ground floor partition walls for Mr & Mrs Hargreaves (Kellet Ward 2015 Ward)	Application Refused
16/01519/FUL	Land Rear Of, 320 - 322 Lancaster Road, Morecambe Demolition of existing garage/car port and erection of a detached dwelling and garage with associated access for Mr John Martin (Torrisholme Ward 2015 Ward)	Application Permitted
16/01520/FUL	Lythe Bank, Lythe Lane, Tatham Erection of a detached double garage and carport for Mr & Mrs David Hilton (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01521/FUL	44 Emesgate Lane, Silverdale, Carnforth Erection of a 2 storey side extension and single storey side/rear extension for Mr Brian Bradfield (Silverdale Ward 2015 Ward)	Application Permitted
16/01522/FUL	Booth Hall, Bay Horse Road, Quernmore Creation of an earth banked slurry lagoon for Mr Neil Kidd (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01523/FUL	1 Lythe Brow Barn, Quernmore Road, Quernmore Erection of a two storey side extension and relocation of side boundary wall for Mr Jensen (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01528/FUL	Middle Highfield, Aughton Road, Aughton Temporary retention and extension of hardstanding for Mr A Norris (Halton-with-Aughton Ward 2015 Ward)	Application Refused
16/01529/FUL	Legends Memorabilia , Winter Gardens Arcade, Marine Road Central Relevant demolition of the single storey Legends Memorabilia building with resurfacing of land for Mr Solomon Reader (Poulton Ward 2015 Ward)	Application Permitted
16/01531/VCN	24 Salford Road, Galgate, Lancaster Demolition of existing side conservatory and garage and erection of a 3 bed dwelling with attached garage (pursuant to condition 2 on planning permission 15/01344/FUL to install fire escape windows and modify the internal layout to comply with fire regulations) for Janik Waite (Ellel Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

16/01535/CU	88 St Leonards Gate, Lancaster, Lancashire Change of use of mixed use building comprising a ground floor shop (A1) and maisonette (C3) to a 6-bed house for students (C4) with alterations to the front elevation and the side elevation of rear outrigger and removal of part of raised concrete platform to rear to install stairs for Mr Hussain (Bulk Ward 2015 Ward)	Application Refused
16/01541/CU	Robert Briggs & Son (Lancaster) Ltd, 369/369A Lancaster Road, Morecambe Change of use of office (B1) into 2-bed dwelling (C3) with single storey rear extension and change of use of shop (A1) into office (B1) for Mr Robin Briggs (Torrisholme Ward 2015 Ward)	Application Permitted
16/01548/LB	Chapel Cottage, Chapel Lane, Galgate Listed building application for the installation of two replacement windows and a door to the rear elevation for Andrew Poulter (Ellel Ward 2015 Ward)	Application Permitted
16/01549/FUL	Cawood House, Main Street, Arkholme Erection of a single storey rear extension for Mr & Mrs Hargreaves (Kellet Ward 2015 Ward)	Application Refused
16/01553/LB	Royal Hotel, Main Street, Heysham Listed building application to replace four of the windows to the rear elevation and replace a wooden door with a glazed door to the front elevation for Daniel Thwaites Plc (Heysham Central Ward 2015 Ward)	Application Permitted
16/01554/FUL	The Bungalow, Caton Green Road, Caton Green Retrospective application for the erection of a detached garage/garden store for Mr Andrew Young (Lower Lune Valley Ward 2015 Ward)	Application Permitted
16/01557/CU	Ellel House , Chapel Lane, Galgate Change of use of a residential assisted living apartment (C3) to 3 residential nursing home bedrooms (C2) for Mr Hillcroft Nursing Homes (Ellel Ward 2015 Ward)	Application Permitted
16/01558/LB	Ellel House , Chapel Lane, Galgate Listed building application for works to facilitate the change of use of 1 residential assisted living apartment to 3 residential nursing home bedrooms for Mr Hillcroft Nursing Homes (Ellel Ward 2015 Ward)	Application Permitted
16/01559/CU	Ellel House , Chapel Lane, Galgate Change of use of residential assisted living house to onsite staff accommodation for the adjacent nursing home for Mr Hillcroft Nursing Homes (Ellel Ward 2015 Ward)	Application Permitted
16/01560/LB	Ellel House , Chapel Lane, Galgate Listed building application for works to facilitate the change of use of residential assisted living house to onsite staff accommodation for the adjacent nursing home for Mr Hillcroft Nursing Homes (Ellel Ward 2015 Ward)	Application Permitted
16/01561/FUL	20 Sulby Grove, Morecambe, Lancashire Construction of a dormer extension to the front elevation for Mr & Mrs Alan Harvey (Bare Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

16/01565/FUL	The Sheiling, Slackwood Lane, Silverdale Erection of building for the storage of hay and equipment in association with equestrian activities for Mr Iain McLeod (Silverdale Ward 2015 Ward)	Application Permitted
16/01577/FUL	Manor Barn, Main Street, Cockerham Change of use of an agricultural barn to a dwelling (C3), erection of a detached garage, creation of a new access road and point and associated landscaping for Mrs Katy Harrison (Ellel Ward 2015 Ward)	Application Permitted
16/01578/FUL	Capernwray Hall, Borwick Road, Capernwray Removal of roofing over single storey extension and supporting walls within inner courtyard, erection of flat roof at first floor level over inner courtyard area for Capernwray Mission Fellowship (Kellet Ward 2015 Ward)	Application Permitted
16/01579/LB	Capernwray Hall, Borwick Road, Capernwray Listed Building application for the removal of roofing over single storey extension and supporting walls within inner courtyard, erection of flat roof at first floor level over inner courtyard area, installation of new suspended timber floor and rainwater goods, and reinstatement of glazed panelling for Capernwray Mission Fellowship (Kellet Ward 2015 Ward)	Application Permitted
16/01586/FUL	Hluhluwe, Haverbreaks Road, Lancaster Erection of a single storey front extension with balcony above, erection of a front porch, part conversion of existing garage, installation of replacement windows, doors and rendering of walls to all elevations for Mr David Swift (Scotforth West Ward 2015 Ward)	Application Permitted
16/01587/FUL	G B Properties (Lancaster) Limited, Lancaster Leisure Park, Wyresdale Road Erection of a part single storey and part two storey building for the use as a gymnasium (use class D2) for G B Properties (Lancaster) Limited (John O'Gaunt Ward 2015 Ward)	Application Permitted
16/01591/FUL	Railway Farm, Salford Road, Galgate Demolition of existing agricultural building and erection of a stable/storage building, change of use of agricultural land to equine use and creation of a sand paddock with associated landscaping for Mrs Anna Woodhead (Ellel Ward 2015 Ward)	Application Permitted
16/01596/FUL	Cote Farm, Strellas Lane, Slyne Erection of a cattle building for Mr & Mrs Casson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01598/FUL	Field 4900, Hazelrigg Lane, Ellel Installation of 4 lighting columns and a single 5 metre high wind turbine for Mr Darren Hogdson (University And Scotforth Rural Ward)	Split Decision
16/01600/LB	Old Church House, Littledale Road, Quernmore Listed building application for the removal of existing slate tiles and installation of replacement stone slabs to the rear roof for Mr David Merritt (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

16/01601/FUL	26 Manor Road, Slyne, Lancaster Erection of a single storey rear extension and construction of dormer extensions to the side elevations for Mr R McKechnie (Bolton And Slyne Ward 2015 Ward)	Application Permitted
16/01610/NMA	Lancashire Fire And Rescue Service, Fire Station, Cable Street Non material amendment to planning permission 15/01510/FUL for the omission of first floor link, removal of external canopy on south elevation, relocation of accommodation and plant area into 38 Cable Street, alterations to chimney and vents for Lancashire Fire And Rescue Service (Bulk Ward 2015 Ward)	Application Permitted
17/00001/FUL	The Water House, Haverbreaks Road, Lancaster Erection of two storey detached dwelling for Mr M Hudson (Scotforth West Ward 2015 Ward)	Application Withdrawn
17/00002/PLDC	13 Homfray Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mr S. sandham (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
17/00003/DIS	St Chads Church, Hornby Road, Claughton Discharge of conditions 5, 7, 10, 11, 12, 15 and 16 on approved application 13/00367/CU for Natfarm Limited (Lower Lune Valley Ward 2015 Ward)	Initial Response Sent
17/00013/DIS	Galgate Ex Service And Working Mens Club, Chapel Street, Galgate Discharge of conditions 1, 2, 3, 7, 8, 9, 11, 12 and 14 on previously approved application 10/00157/FUL for Mr John Lovett (Ellel Ward 2015 Ward)	Initial Response Sent
17/00015/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Request Completed
17/00016/PLDC	8 Swift Gardens, Heysham, Morecambe Proposed lawful development certificate for the construction of a dormer extension to the rear elevation for Mr & Mrs S Hedger (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
17/00017/DIS	Lancaster Castle, Castle Park, Lancaster Discharge of conditions 4, 5, 6, 7 and 8 on approved application 15/01620/LB for Mr Graeme Chalk (Castle Ward 2015 Ward)	Application Permitted
17/00024/FUL	8 Belle Vue Drive, Lancaster, Lancashire Erection of a detached garage for Mr & Mrs J Cragg (Scotforth West Ward 2015 Ward)	Application Withdrawn
17/00029/FUL	92 Ullswater Road, Lancaster, Lancashire Erection of a single storey rear extension to replace existing for Mr & Mrs R. Ashworth (Bulk Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00032/LB	Dalton House, 9 Dalton Square, Lancaster Listed Building application for refurbishment of loft area including partial demolition of an internal wall, alteration to staircase and handrail and installation of partition wall. for Mr Taylor (Castle Ward 2015 Ward)	Application Permitted
17/00034/AD	Downlands Farm, Moss Road, Heaton With Oxcliffe Agricultural Determination for the erection of an agricultural livestock building for Mr Edward Thornton (Overton Ward 2015 Ward)	Prior Approval Not Required
17/00043/PLDC	29 Meadow Park, Galgate, Lancaster Proposed lawful development certificate for the construction of a dormer extension on the rear elevation. for Mr & Mrs Townsend (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
17/00048/PLDC	16 Homfray Grove, Morecambe, Lancashire Proposed lawful development certificate for the construction of a dormer extension to the rear elevation and a hip to gable roof extension for Mr & Mrs Teasdale (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
17/00054/NMA	20 Emesgate Lane, Silverdale, Carnforth Non material amendment to planning permission 16/01079/REM to make alterations to the parking and turning area for Mr John Baldwin (Silverdale Ward 2015 Ward)	Application Permitted
17/00055/CPA	Nether Kellet Primary School, Bridge Road, Nether Kellet Construction of an outdoor detached classroom for Nether Kellet Community Primary School (Kellet Ward 2015 Ward)	No Objections
17/00076/PLDC	9 Throstle Walk, Slyne, Lancaster Proposed lawful development certificate for the erection of a single storey rear extension and dormer extension to rear elevation for Mr & Mrs D. Hignett (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
17/00078/CCC	Salt Ayre Landfill Site, Salt Ayre Lane, Lancaster Variation of conditions 1, to allow continued use of the material recycling facility until 31 December 2022 with restoration no later than 31 December 2023 and condition 8, to allow for a scheme and programme for the restoration of the site to be submitted within 3 months of the cessation of use of the material recycling facility, of permission LCC/2014/0005 for SUEZ Recycling And Recover UK (Skerton West Ward 2015 Ward)	No Objections
17/00079/CCC	Salt Ayre Landfill Site, Salt Ayre Lane, Lancaster Variation of conditions 1, to allow continued use of the material recycling facility until 31 December 2022 with restoration no later than 31 December 2023 and condition 8, to allow for a scheme and programme for the restoration of the site to be submitted within 3 months of the cessation of use of the material recycling facility, of permission LCC/2014/0006 for SUEZ Recycling And Recovery UK (Skerton West Ward 2015 Ward)	No Objections

## LIST OF DELEGATED PLANNING DECISIONS

17/00082/PLDC	128 Meldon Road, Heysham, Morecambe Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mr & Mrs A. Hunt (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
17/00145/NOT	4 New Street, Carnforth, Lancashire Temporary change of use from retail (A1) to cafe (A3) for up to two years commencing on the 20th January 2017 for Tina Parrington (Carnforth And Millhead Ward 2015 Ward)	Flexible Use Notification Received