



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 3<sup>RD</sup> APRIL 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 6<sup>th</sup> March, 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.

|   |                        |   |  |                        |
|---|------------------------|---|--|------------------------|
| 5 | <b>A5 16/01515/OUT</b> | <b>Development Land, Bowerham Lane, Lancaster</b>   | <b>University and Scotforth Rural Ward</b> | <b>(Pages 1 - 10)</b>  |
|   |                        | Outline application for the erection of up to 30 dwellings and creation of a new access for Mr A Ruchwaldy  |  |                        |
| 6 | <b>A6 16/01599/OUT</b> | <b>Higher Bond Gate, Abbeystead Road, Dolphinholme</b>  | <b>Ellel Ward</b>                          | <b>(Pages 11 - 22)</b> |
|   |                        | Outline application for the erection of up to 49 dwellings, 1 shop unit (A1) and provision of an underground foul pumping station with creation of a new vehicular access point, public footpath and associated landscaping for Mr & Mrs D Wallbank |  |                        |
| 7 | <b>A7 16/01394/FUL</b> | <b>1 Spring Garden Street, Lancaster, Lancashire</b>  | <b>Castle Ward</b>                         | <b>(Pages 23 - 29)</b> |
|   |                        | Partial demolition and alteration of existing building and erection of a two storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed student cluster flats (C4) on upper floors for Mr Stephen Wilkinson        |  |                        |

|    |                  |   |                                  |                        |
|----|------------------|---|----------------------------------|------------------------|
| 8  | A8 17/00006/FUL  | <b>Land North Of Ashford House,<br/>Ashton Road, Lancaster</b>  | <b>Scotforth<br/>West Ward</b>   | <b>(Pages 30 - 37)</b> |
|    |                  | Erection of a detached dwelling (C3) and associated access for Miss Emma Wilson   |                                  |                        |
| 9  | A9 16/01487/VLA  | <b>Land East Of Railway Line, St<br/>Michaels Lane, Bolton Le Sands</b>   | <b>Bolton and<br/>Slyne Ward</b> | <b>(Pages 38 - 42)</b> |
|    |                  | Variation of legal agreement attached to planning permission 15/01167/FUL to vary the affordable housing provision for Mr Gary Middlebrook  |                                  |                        |
| 10 | A10 17/00022/FUL | <b>Land Bounded By, Chatsworth<br/>Road, Albert Road, Balmoral<br/>Road And Regent Road,<br/>Morecambe</b>  | <b>Harbour<br/>Ward</b>          | <b>(Pages 43 - 52)</b> |
|    |                  | Refurbishment and conversion of nos. 38, 42, 50, 54 and 56 Chatsworth Road, nos. 76 and 82, 84 and 86 Regent Road, nos. 51 to 57 (odds only), 61, 67 and 69 Balmoral Road and nos. 79 to 87 (odds only) and 91 Albert Road comprising selective demolition, selective reconfiguration of internal floor spaces, selective elevational alterations including installation of rear balconies, and selective changes of use from houses in multiple occupation (C4), hotel/guesthouses (C1) and retail unit (A1) to provide 1 letting office (A2) and 45 residential houses, apartments and duplexes (C3) with associated landscaping and installation of gates for Mr David Lynch |                                  |                        |
| 11 | A11 17/00094/CU  | <b>Marshrange, Castle Park,<br/>Lancaster</b>   | <b>Castle<br/>Ward</b>           | <b>(Pages 53 - 57)</b> |
|    |                  | Change of use of ancillary annexe building to use as holiday accommodation for Mr Gary Rycroft  |                                  |                        |

**12     A12 17/00181/VCN     Salt Ayre Sports Centre, Doris Henderson Way, Heaton With Oxcliffe     Skerton West Ward     (Pages 58 - 62)**

Erection of an extension, alterations to the main entrance and construction of a jump tower with a briefing cabin (pursuant to the variation of conditions 2 and 3 on planning permission 16/00552/FUL to amend the proposed extension elevations with the addition of louvres) for Suzzane Lodge

**13     Delegated Planning Decisions (Pages 63 - 68)**

#### **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> March, 2017.

| Agenda Item<br>A5   | Committee Date<br>3 April 2017  | Application Number<br>16/01515/OUT |
|---|---|------------------------------------|
| <b>Application Site</b><br><br>Development Land<br>Bowerham Lane<br>Lancaster<br>Lancashire | <b>Proposal</b><br><br>Outline application for the erection of up to 30 dwellings and creation of a new access. |                                    |
| <b>Name of Applicant</b><br><br>Mr A Ruchwaldy  | <b>Name of Agent</b><br><br>Dan Ratcliffe   |                                    |
| <b>Decision Target Date</b><br><br>16 June 2017   | <b>Reason For Delay</b><br><br>Not Applicable   |                                    |
| <b>Case Officer</b>   | Mr Mark Potts   |                                    |
| <b>Departure</b>  | Yes   |                                    |
| <b>Summary of Recommendation</b>  | Approval  |                                    |

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

- 1.1 The application site is in the region of 1.6 hectares in area, located 1km to the south of Bowerham local centre. The current use of the site is for grazing livestock. To the north of the application site lies a residential property (Woodside) and the Fox and Goose Public House beyond this. To the east of the site lies a narrow lane in connection with Hala Carr Farm and beyond this is the M6 motorway and to the south lies Hala Carr Farm and beyond this a parcel of open countryside wedged between the M6 and Bowerham Lane. Along the western boundary lies Bowerham Lane with detached properties which overlook the application site.
- 1.2 The site rises significantly towards the east and reaches a maximum height of 88 metres AOD (Above Ordnance Datum) at the far eastern extent of the site, and at its lowest point is 71 metres AOD adjacent to Bowerham Lane. The site is bound by trees and hedgerows along the northern, eastern and southern boundaries. Along the western boundary adjacent to Bowerham Lane lies a dry stone wall. There is a mature hedgerow which runs west-east through the centre of the site and in essence separates the two fields.
- 1.3 The application site is not situated within any nationally designated landscape or ecological designation, although the site does benefit from being within a Key Urban Landscape and a Woodland Opportunity location in line with the adopted plan. There are a number of trees protected by a Tree Preservation Order associated with 242 Bowerham Road, however, these are not affected by the development proposals.

## **2.0 The Proposal**

- 2.1 The application seeks outline planning consent for the erection of up to 30 dwellings, and an associated improved access off Bowerham Lane. The scheme is in outline form with only the means of access being applied for which would seek to utilise the existing access, albeit this would be upgraded and visibility splays of 2.4m x 43m provided. An earlier iteration of the scheme for 42 houses was amended by the applicant following concerns raised by the case officer regarding the extent of development on the site and density concerns.

**3.0 Site History**

3.1 The relevant site history is set out below:

| Application Number | Proposal   | Decision   |
|--------------------|--|--|
| 16/00545/PRETWO    | Erection of 52 dwellings                                     | Advice provided  |
| 01/89/0118         | Erection of 50-60 residential dwellings across 3.57 hectares | Refused by the City Council and refused on appeal by the Planning Inspectorate |
| 01/89/1275         | Outline application for the erection of 41 dwellings         | Refused  |

**4.0 Consultation Responses**

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

| Consultee                              | Response  |
|--|---|
| <b>Planning Policy</b>                 | Raised an objection to the original 42 dwelling scheme given the site is key urban landscape which has been designated for its landscape value in the Local Plan (and the emerging Local Plan), In terms of the response for 30 dwellings welcomes the significant revisions made, and the applicant should demonstrate why exceptional circumstances exist as to why planning permission should be granted.  |
| <b>County Highways</b>                 | <b>No objection</b> , subject to conditions associated with improvements to footways, street lighting, pedestrian refuge on Bowerham Lane (Kempton Road junction), provision for stop and give way white lining.  |
| <b>Highways England</b>                | <b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• No development on or adjacent to the M6 Motorway embankment;</li> <li>• No drainage shall connect into the motorway drainage system;</li> <li>• No access from the site to the M6;</li> <li>• No planting of species that when mature shall be of a height that if falls down could land on the motorway;</li> <li>• Ensure that noise from the motorway is mitigated to the satisfaction of the LPA;</li> <li>• Applicant to be aware of the possibility of errant vehicles from the carriageway entering the site;</li> <li>• The development shall not necessitate the closure of the M6.</li> </ul> |
| <b>Environmental Health</b>            | <b>No objection</b> subject to conditions associated with the implementation of the mitigation as contained within the applicant's noise report and measures associated with reducing detrimental air quality impacts.  |
| <b>Lead Local Flood Authority</b>      | <b>No objection</b> subject to conditions associated with surface water drainage.   |
| <b>Tree Protection Officer</b>         | <b>Objection</b> in relation to plots 12 and 13 and the 2 retained off-site trees   |
| <b>Environment Agency</b>              | No observations to make.  |
| <b>United Utilities Water</b>          | <b>No objection</b> subject to the development being carried out in accordance with the Flood Risk Assessment, conditions for the management and maintenance of surface water systems and attention has been raised regarding the water main that crosses the site in that an access strip of 5 metres either side of the pipeline is required.   |
| <b>Greater Manchester Ecology Unit</b> | <b>No objection</b> . Recommends that replacement hedgerow should be provided and given the hedgerow could support nesting birds, recommend a condition associated with a nesting bird survey.  |
| <b>Public Realm Officer</b>            | <b>No objection</b> to the scheme for 42 dwellings and recommended that 784m <sup>2</sup> of amenity space is provided on site, a children's play area is required and an off-site contribution of £81,299. A verbal update on the amended scheme for 30 dwellings will be provided to Members at the Committee meeting.  |
| <b>County Council (Education)</b>      | <b>No objection</b> . No requirement for an education contribution based on 30 dwellings.   |

|                                   |   |
|-----------------------------------|---|
| <b>Strategic Housing Officer</b>  | <b>No objection.</b> Advises that the inclusion of 2 and 3 bedroom bungalows would be desirable.  |
| <b>Lancashire Police</b>          | <b>No objection.</b> Recommends that security measures are embodied into any subsequent reserved matters application.   |
| <b>Natural England</b>            | <b>No objection</b> , though advise that the development is close to the AONB boundary and this should be considered in the determination of this planning application. |
| <b>Civic Society</b>              | <b>Raise concerns</b> with the development given the density and the potential pressure on existing services and facilities.  |
| <b>Lancashire Fire and Rescue</b> | <b>No objection</b>   |
| <b>Electricity North West</b>     | <b>Comments</b> that the development is adjacent to Electricity North West Operational land or electricity distribution assets.   |

**5.0 Neighbour Representations**

5.1 17 letters of objection have been received to the scheme consisting of 42 dwellings for the reasons below:

- Visual impact, which is exacerbated given the levels differences on site;
- Highway safety concerns: safety due to constrained highway, which is particularly problematic during school times and with vehicles speeding;
- Planning policy issues: the scheme is contrary to planning policy as the site is allocated as key urban landscape and should be protected from development; the scheme conflicts with the Strategic Housing Land Availability Assessment that considered the site was undeliverable; the land is outside of Bailrigg Garden Village and therefore development here should not be supported;
- Ecological impacts and loss of trees;
- Concerns regarding air quality, light pollution and noise;
- Amenity: the amenity of future residents so close to the M6 raises significant concerns; as does the amenity of residents on Bowerham Lane; the loss of the smallholding is a concern; and,
- Local infrastructure: schools are at full capacity and concerns on drainage (foul and surface water).

In response to the amended outline planning application for 30 dwellings there has been 12 letters of objection received, raising the issues listed above but also including:

- Damage cost calculation should be provided for air quality; and
- 30 dwellings is still considered too many for the site.

Councillor Sam Armstrong has objected to the development on the basis of highway safety, air pollution and nature conservation concerns.

5.2 It is understood that local residents held a meeting on 5 February 2017 at Barton Road Community Centre to discuss the proposal, with 25 people in attendance raising concerns with the proposals.

**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
- Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

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  
SC4 – Meeting the District's Housing Requirements

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

E27 – Woodland Opportunity Site  
E31 – Key Urban Landscape

### 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  
DM48 – Community Infrastructure  
DM49 – Local Services

### 6.6 Strategic Policies and Land Allocations DPD (Consultation January 2017)



## EN7 – Key Urban Landscape

### **7.0** **Comment and Analysis**

7.0.1 The main considerations with the application relate to;

- Principle of development;
- Layout and scale of development;
- Landscape and visual impact;
- Highways;
- Drainage;
- Noise and air quality impacts;
- Nature conservation (trees and ecology);
- Open space; and
- Education provision.

#### 7.1 Principle of Development

7.1.1 The site is located within the urban core of Lancaster, is located 2.5km to the south of Lancaster city centre and is in easy reach of Bowerham local centre which supports a variety of local services, and there is a frequent bus service that passes close to the site with a bus stop located at the Fox and Goose public house. 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. It is therefore considered that the site is a sustainable location for the delivery of 30 dwellings (assuming other issues can be addressed).

7.1.2 The land is currently allocated as Key Urban Landscape (Policy E31) and a Woodland Opportunity Area (Policy E27) under the 'saved' Local Plan. Both designations remain relevant and important considerations in the determination of this planning application. Policy DM28 (Development and Landscape Impact) of the Development Management DPD states that identified areas will be conserved and important natural features safeguarded. Key Urban Landscapes (KUL) perform an important role in defining the character of the District and it is considered that this site forms a green wedge between the M6 and the residential properties on the eastern fringes of the city. The local planning authority considers that some form of buffer should be preserved and woodland planting encouraged.

7.1.3 Policy E27 of the adopted Local Plan states that within identified areas the Council will seek to establish new areas of woodland allowing where practical for public access and the protection and enhancement of nature conservation interests. It is considered that tree planting along the M6 would assist in mitigating road noise and provide a more attractive edge to the built up area. It goes onto state that development which would prejudice the establishment of new woodland areas will not be permitted. This policy is supplemented by Policy DM29 'Protection of Trees, Hedgerows and Woodlands' in the Development Management document which gives further support to the protection of trees and hedgerows and encourages additional planting.

7.1.4 As part of the emerging Land Allocations DPD the site is still proposed to retain its Key Urban Landscape designation and whilst only limited weight can be attached to this, it continues to protect the site from development, but would seek to support development if it preserves the open nature of the area and the character and appearance of the surroundings. Members will be aware of a smaller scheme (just to the south of the application site) for 20 dwellings (15/00714/OUT) which also fell within the same landscape designations as this application site, which was approved in 2015. That scheme proposed properties along the site's frontage, but proposed significant landscaping to the east of the site, towards the M6 (although an application to increase the number of houses to 25 and reduce the separation to the M6 is currently pending consideration - 16/01551/FUL). This application does seek to introduce some significant landscaping and an earth bund (in the region of 20 metres in width) to the eastern edge of the site. However, it is not considered that the scheme accords with the policy requirements of the Key Urban Landscape designation and to a lesser extent the Woodland Opportunity designation (albeit accepting that the development can act as a catalyst to ensure landscaping occurs) and therefore the scheme is a departure from the Development Plan

and has been advertised as such. Members will be acutely aware that the local planning authority cannot demonstrate a deliverable 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 (LPAs) 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.

7.1.5 Many of those that have made representations to the application have made reference to the fact that the local authority deemed the site undeliverable in the Strategic Housing Land Availability Assessment (SHLAA) in 2015 and therefore this application should not be supported. The SHLAA is a technical exercise to assess the amount of land that could be made available for development and it is part of the evidence base that will inform the plan making process - it does not seek to allocate land. The site was deemed undeliverable due to officer concerns on noise from the M6 (discussed in paragraph 7.7.1) and also the allocation as Key Urban Landscape given such designed land would ordinarily be protected from development. Officers are mindful of the refusal of the scheme for the erection of 50-60 dwellings in 1990 (1/89/0118), which was refused by the local planning authority and also the Planning Inspectorate. The Inspector considered that the principle of development at that time would be wholly unacceptable, and this has been afforded weight in the determination of this planning application. Planning policy has evolved, but critical to this application is the pressing need to deliver more homes given the local authority cannot demonstrate a deliverable 5 year housing land supply.

7.1.6 Given the above there is a clear expectation that, unless material considerations imply otherwise, opportunities for housing delivery have to be considered favourably and Officers have attached significant weight to this in terms of the planning balance exercise and do consider, as they did with regards application 15/00714/OUT, that some form of development could be supported on this site.

## 7.2 Layout and Scale of Development

7.2.1 Notwithstanding the issues raised in paragraphs 7.1.1 to 7.1.6 of this report, Officers considered that the siting of 42 dwellings would in layout terms have been unacceptable, and Officers do continue to have significant concerns regarding how achievable it would be to deliver 30 dwellings on this site. Whilst layout is not being applied for, and modifications could be made to this, Officers do not consider that the layout is characteristic of the local area, and given the differences in levels across the site this will create essentially two levels of development. For example, the indicative layout shows 2 plots c26m apart but sited on land with a level difference of c6.5m. This is not conducive to good design and would inevitably lead to privacy issues (within the site and potentially off-site for Woodside and Hala Carr Farm). Officers have concerns that when viewed from Bowerham Lane the principal elevations of the proposed dwellings at a lower level would be dwarfed by the rear elevations of the eastern row of properties that would be set on higher land held back by new retaining walls. This would detract from the wider amenity of the area. An alternative option would be to have in essence two frontages (across two levels) with all principle elevations overlooking Bowerham Lane. This would be more suitable but would encroach further into the site as a larger buffer between properties would be required. A landscaped area could also be included to soften the impact that the levels create. It is considered the indicative scheme is unacceptable, and should outline consent be granted, a more sensitive approach would be required with a greater emphasis on high quality design and protection of private amenity. Officers feel that it is possible at Reserved Matters stage for a scheme that creates a strong sense of place to be delivered, but would also provide landscaping and woodland planting to the eastern side of the site, and therefore considers that the scheme does comply with Paragraph 58 of the NPPF.

7.2.2 At pre-application stage it was considered a single row of dwellings (i.e. a linear scheme) would be better suited to the site given topography and the allocations that the site sits within. This is still considered the most appropriate solution in design terms, albeit maybe not the best use of the land available. Notwithstanding this, given the need to significant boost housing supply it is not considered that refusal of the scheme before Members would be capable of being robustly defended at planning appeal given the local authorities lack of a 5 year housing land supply.

## 7.3 Landscape and Visual Impacts

7.3.1 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which does concede that in certain viewpoints there would be a major adverse effect (admittedly when in close proximity to the development). Officers would not disagree with this element of the assessment. However, the allocation of the Key Urban Landscape (KUL) is intended to protect the undeveloped areas of land between Lancaster and the countryside to the east, and the allocation of the KUL has a role to play in maintaining the distinction between the town and country and provides a rural backdrop to the urban area. The application site consists of fields separated by a hedgerow with stone walling along the frontage and retains the pattern of enclosure that was established in the post medieval period. The land does form a green buffer between the M6 and residential properties on the eastern fringes of the city (however from Bowerham Lane the M6 is barely noticeable in sound or vision). The applicant's LVIA considers that given the limited area of development and the separation from the larger area of the KUL (located to the north and south) then this would allow the development to proceed without a significant overall impact upon the designation. Officers in part would agree with this suggestion as this area of the KUL possesses a very different feel to some of the larger KUL which are located besides Grab Lane and also Land South of Hala Hill and towards the University. It is therefore recommended that whilst there would be harm caused by developing the site for residential development (which is significantly exacerbated by the levels of the site), in Officers' opinion the loss of the site as KUL can reluctantly be found to be acceptable subject to the creation of a substantial, planted buffer between the M6 and the site. From a landscape perspective whilst there is a level of harm, assuming a high standard of design can be brought forward at Reserved Matters stage (which includes a high degree of landscaping and sensitive separation distances employed between on-site dwellings to account for levels on the site as well as the substantial planting on the eastern section of the site), that Officers feel on balance the landscape impacts proposed by this development could be mitigated against to facilitate much needed housing.

## 7.4 Highways

7.4.1 There has been concern raised by the local community with respect to highways, and that the introduction of further dwellings will lead to increased congestion and highway safety concerns. Moorside County Primary School (and associated Pre-School), Stepping Stones School, and St Bernadette's Primary School are located within 450 metres of the site. The case officer has visited the site during school drop off and collection times and fully understands the concerns of local residents as it was clear from the visits that parents were parking close to the application site to collect their children. The views of the County Council as the Highways Authority have been sought on the application who raise no objection to the development, nor raise any highway safety concerns. They have recommended that a pedestrian refuge facility on Bowerham Lane / Kempton Road would aid movements across the development site and also across Kempton Road. They have also recommended extending the footway along the site's frontage to meet the footway which is adjacent to the Fox and Goose Public House. The views of residents are noted with respect to speeding vehicles along Bowerham Lane and also the concerns associated with schools' drop off and pick up times, however, the County Council has raised no highway safety objection subject to a package of off-site measures being implemented. The applicant had initially proposed visibility splays in the region of 4.5m x 90m in each direction. The case officer felt that this was over-engineered (and this would have led to the urbanisation of the site's frontage) and therefore sought advice from the County Council who considered that visibility splays of 2.4m x 43m would be acceptable from a highway safety perspective. An amended plan has been received to detail this change. Whilst not requested by the County Council a condition ensuring the delivery and maintenance of the visibility splays is recommended together for a scheme setting back the existing stonewall adjacent to the road and the delivery of the footpath along the site's frontage.

7.4.2 Highways England have been consulted given the proximity of the site to the M6. They raise no objection but recommend a number of proposed planning conditions. Officers consider that the matters they raise are best handled by means of informative notes on any planning decision notice and are issues which can be addressed at Reserved Matters.

## 7.5 Nature Conservation (Trees and Ecology)

7.5.1 The site is currently grazed by donkeys and sheep, and there were a number of chickens evident on the site visits. The applicant has submitted a Phase I habitat survey in support of the scheme which concluded that the site had a low ecological value. The highest conservation value was

associated with the hedgerows and the scattered trees. The central hedgerow would be lost as a result of the development and the ecology report recommends that this loss should be compensated for. The Tree Protection Officer considers that the internal hedgerow is of a poor condition and has no objections to its removal. The Tree Protection Officer had an objection to the siting of plots 12 and 42 on the original scheme, and 2 of the retained offsite trees. These are issues that could be addressed via the Reserved Matters process in terms of ensuring the siting of the units does not impact upon trees. Officers are satisfied that the issues of ecology and trees can be addressed by means of planning condition.

### 7.6 Drainage

7.6.1 The application has been supported by a Flood Risk Assessment and the site lies within Flood Zone 1 (which is at the lowest risk of flooding of less than 1 in 1000 years). Whilst no intrusive works have been undertaken the geology of the area is not likely to be conducive to the infiltration of surface water given the soils are generally made up of clay. The applicants proposed to attenuate the surface water to a greenfield run-off rate and to discharge into the public (surface water) sewer which in turn enters a small watercourse (which then connects to Burrow Beck). The views of the Lead Local Authority have been received who raise no objection to the development. Officers do have concerns with run off from the site given it is quite sloping. However, this is a matter that could be addressed by means of planning condition.

7.6.2 There is an existing water main that crosses the site (north to south, and located circa 5 metres in from Bowerham Lane). The applicant has accounted for this within the proposed layout. There is a requirement for a 5 metres easement on either side of the centre line of the pipe (10 metres in total). United Utilities raise no objection to the development.

### 7.7 Noise and Air Quality

7.7.1 The applicant has submitted a detailed noise survey in support of the planning application and concludes that internal noise levels could be achieved by the fitting of windows with upgraded thermal glazing and window vents. With respect to garden areas it is expected that a combination of building orientation, earth mounds and acoustic fencing could all be used to ensure that the 55 LAeq, 16hr limits can be met. Officers have reservations with dwellings being located so close to the motorway with properties in the region of 80 metres away. However, there are a number of examples elsewhere in the North West with properties as close to the motorway (including those along Newlands Road to the north of this site). The views of the Environmental Health Officer have been sought who raises no objection to the development on the provision that conditions are attached to the consent which include the aforementioned mitigation measures.

7.7.2 There has been concern raised by members of the public regarding the amenity of future residents being adversely affected by emissions from vehicles along the M6 and it is a valid concern to be raised. Whilst no air quality assessment has been submitted, the Council's Air Quality Officer raises no objection to the scheme. The Officer has recommended a condition associated with the provision of electric charging points for electric vehicles to encourage the use of low carbon vehicles, thereby reducing the impact of the development on air quality.

### 7.8 Open Space

7.8.1 The applicant was advised that the scheme would require an on-site play facility and that open space would need to be provided on site when the scheme proposed 42 units. The applicant has now included an equipped play area and also open space as part of the scheme to be located to the east of the layout as proposed. The equipped play area is not something that would be ordinarily required on a development that proposes 30 properties but it would bring about a facility that could be utilised by the community (given the nearest facility is circa 500 metres away at Newlands) and therefore is a positive of the scheme. Should Members support the development proposal the provision of this can be secured by planning condition, including its ongoing maintenance.

7.8.2 The Public Realm Officer has requested an off-site financial contribution of £81,299 towards drainage associated with the Far Moor Sports Pitches (£46,355), the young person's facility on the Hala estate (£21,840) and £13,104 towards the ongoing maintenance of Williamsons Park. Given the development proposal is in outline for up to 30 dwellings, the actual number and size of the units

are unknown. In the circumstances it is considered appropriate to re-assess this at Reserved Matters stage, and can be controlled by legal agreement.

### 7.9 Education Provision

7.9.1 There has been concern raised by the local community that the local schools do not have capacity to support additional pupils should additional housing be approved (the nearest of which is Moorside Primary School circa 230 metres to the north west). The County Council as education authority for the district have stated that there is currently no need for the applicant to make a financial contribution towards education provision, and therefore it is considered that the local schools can accommodate additional pupils without resorting to a financial contribution.

### 8.0 Planning Obligations

8.1 Should outline planning consent be granted, it is recommended that the following contributions should be sought of which the applicant is amenable to. 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 re- assessed at reserved matters stage (when numbers of units and bedrooms are known);
- Long term Open Space Maintenance (including play-ground), non-adopted highways and drainage.

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the 13 week time period for decision-making (i.e. 16 June 2017). If the applicant fails to sign the Section 106 by this date then the application should be delegated back to the Chief Officer for refusal.

### 9.0 Conclusions

9.1 The recommendation here is finely balanced, as the proposal is a departure from the Development Plan, and ordinarily developments of this nature would not be supported in Key Urban Landscape and Woodland Opportunity designations. However, Members have to be mindful that the local authority does not have an up-to-date deliverable five year housing land supply. Officers do consider that the proposed site is a sustainable location for the delivery of 30 dwellings, and whilst the undeveloped nature of the site would be lost, there would still be a considerable buffer between the built form and the M6, which is capable of being landscaped, and therefore it is not considered that there would be a complete removal of the Key Urban Landscape in this location. In addition to this, it is a site that is adjacent to the built form, in what Officers consider a green wedge (rather than a linear line of landscape). Given the inability of the local authority to demonstrate a deliverable 5-year housing land supply, together with the lack of any technical objection from any statutory consultees, that on balance the material considerations weigh in support of the scheme to allow Officers to make a positive recommendation for this development. In coming to this conclusion Officers consider that at any Reserved Matters stage there would need to be significant amendments to the scheme to facilitate a proposal that could be supported, and through the provision of a landscaped frontage, sympathetic separation distances between on and off-site dwellings, retaining the historic dry stone walling along the site's frontage, and the inclusion of a strong and defensible landscape buffer to the east (along with full compliance with the planning obligations) would all be required to enable any subsequent application to be viewed favourably by Officers.

9.2 Whilst concern has been raised with respect to highways, drainage, Environmental Health considerations, education provision and nature conservation, none of the relevant consultees raise an objection to the scheme, or raise a concern which cannot be addressed by condition or at Reserved Matters stage. Officers have sought to secure modifications to the scheme in the form of a reduction in numbers of units, and with this in mind consider that the site has the capability to support 30 dwellings. It is recommended to Members to support the scheme subject to the applicant entering into a Section 106 Legal Agreement and the conditions listed below.

## **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 (unless the applicant fails to sign the required Section 106 agreement by the determination date then the application should be delegated back to the Chief Officer for refusal):

1. Timescales
2. Approved Plans
3. Surface Water Drainage Plan
4. Surface Water Drainage maintenance
5. Finished floor levels
6. Access Details
7. Off-site Highway Works
8. Protection of visibility splays (including a plan setting out the required splays and provision for replacement stone wall)
9. Play Area provision
10. Noise Mitigation
11. Ecology Mitigation (including bird breeding survey)
12. Submission of a Tree Protection Plan and Arboricultural Method Statement
13. Foul Drainage Plan
14. Electric charging points
15. Removal of Permitted Development Rights.
16. Unforeseen contaminated land condition

## **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 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<br>A6   | Committee Date<br>3 April 2017  | Application Number<br>16/01599/OUT |
|---|---|------------------------------------|
| <b>Application Site</b><br><br>Higher Bond Gate<br>Abbeystead Road<br>Dolphinholme<br>Lancaster | <b>Proposal</b><br><br>Outline application for the erection of up to 49 dwellings, 1 shop unit (A1) and the provision of an underground foul pumping station with creation of a new vehicular access point, public footpath and associated landscaping. |                                    |
| <b>Name of Applicant</b><br><br>Mr & Mrs D Wallbank   | <b>Name of Agent</b><br><br>Mr Avnish Panchal   |                                    |
| <b>Decision Target Date</b><br><br>6 April 2017   | <b>Reason For Delay</b><br><br>N/A  |                                    |
| <b>Case Officer</b>   | Mr Mark Potts   |                                    |
| <b>Departure</b>  | No  |                                    |
| <b>Summary of Recommendation</b>  | Refusal   |                                    |

**(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 27<sup>th</sup> March 2017.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located to the north eastern fringe of the village of Dolphinholme, approximately 11 km to the south of Lancaster City Centre. The site relates to a 3.3 hectare parcel of land that is bound by Abbeystead Road to the south, open fields to the north and east, and Brookside Drive to the west with residential properties beyond this. The site falls to the south being circa 103 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south close to the western boundary of the site. The site is bound by hedgerows to the south of the site and there is a hedgerow that runs in a south-west to north-east direction in the southern section of the site. There are isolated trees that run along the western boundary of the site, but no boundary treatment to the north.
- 1.2 The site is relatively unconstrained, though it is within an area that is susceptible to groundwater flooding. A Tree Preservation Order (TPO 574, 2016) covers a number of trees that exist within the site (notably along the boundaries). Lower Starbank Farm is Grade II listed and is located approximately 150 metres to the north of the development proposal. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 is 150 metres to the north. The proposed development is approximately 350 metres to the north west of Dolphinholme Conservation Area and approximately 1km to the south west of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), but does fall within the District's Countryside Area.

**2.0 The Proposal**

- 2.1 The proposed development is made in outline form for the erection of up to 49 dwellings (of which 20 would be affordable dwellings) with only the means of access and landscaping being currently applied for. There is an existing bungalow on the site which is intended to remain. Matters associated with scale, layout and appearance will be considered at reserved matters stage should a scheme be supported. The applicant has provided an indicative layout of how they consider the site could be developed. The applicant proposes to connect Footpath 39 with Footpath number 43 with a new footway that would cross the site. The submission also includes provision for a village store of 85 m<sup>2</sup> in area. A foul pumping station is also proposed, with the details to be agreed as part of any subsequent reserved matters application.
- 2.2 The site's proposed means of access is off Abbeystead Road and the main spine access will feature a 6m wide access and the scheme proposes visibility splays in the region of 2.4m x 100m to the west and 2.4m x 103m to the east.

**3.0 Site History**

- 3.1 The relevant history is noted below.

| Application Number | Proposal   | Decision                         |
|--------------------|--|----------------------------------|
| 16/00041/OUT       | Outline application for the erection of 68 dwellings with creation of a new access | Withdrawn prior to determination |
| 15/00907/PREONE    | Pre-application Advice   | Determined                       |

**4.0 Consultation Responses**

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

| Consultee                          | Response   |
|------------------------------------|--|
| County Highways                    | <b>Objection.</b> Considers that the development is not in a sustainable location and would lead to an over-reliance on the use of private car contrary to the NPPF. Have recommended a suite of planning conditions should the application be approved.   |
| Ellel Parish Council               | <b>Objection.</b> The local plan does not include development within Dolphinholme and any development within Dolphinholme should be an extension and not out of the village, the scale of development will have a detrimental impact on the village, the development will result in the increase in traffic, the waste water system is not equipped for extra housing, there is flood risk associated with the development and lack of infrastructure to cater for this development. |
| Greater Manchester Ecological Unit | <b>No objection.</b> Recommends the ecological mitigation measures and enhancement measures are employed.  |
| Natural England                    | <b>No objection,</b> though recommends the views of the AONB Unit are sought.  |
| Forest of Bowland AONB Unit        | <b>Objection.</b> The proposed development as the development is within the setting of the AONB and on the edge of a 'gateway village' to, and from the Trough of Bowland.   |
| Environment Agency                 | <b>No objection.</b>   |
| United Utilities                   | <b>No objection</b> subject to conditions associated with foul and surface water on separate systems and the management and maintenance of the SUDs scheme.  |
| Lead Local Flood Authority         | <b>No objection,</b> subject to conditions concerning a surface water drainage scheme and maintenance and management plan to be submitted for consideration.   |
| Tree Protection Officer            | <b>No objection,</b> subject to conditions on hard and soft landscaping and the development being in accordance with the AIA.  |
| Local Plans Team                   | The site is located in the 'Countryside Area' on the edge of the Forest of Bowland AONB. Whilst development in principle is acceptable in such locations it needs to comply with other policies within the Development Plan and ultimately the deliver sustainable development.  |



|   |   |
|---|---|
| <b>Public Realm Officer</b>                             | <b>No objection.</b> There should be 819 m <sup>2</sup> of open space provided on site; a play area will also be required; a financial contribution of up to £94,849 going towards potential improvements to the Village Bowling Green, Tennis Courts and a small community play area within the village and contribution towards the kick about area in the village. |
| <b>Lancashire Police</b>                                | <b>No objection.</b> Matters associated with secured by design can be addressed at Reserved Matters stage.  |
| <b>Conservation Section</b>                             | <b>No objection</b>   |
| <b>Dynamo (Lancaster and District Cycle Campaign)</b>   | <b>Objection.</b> Increasing traffic along narrow country lanes, without any mitigation being provided for.   |
| <b>Environmental Health</b>                             | <b>No objection.</b> Recommends that each dwelling is provided with a charging facility for electric vehicles and conditions associated with dust control measures during the earth moving operations.  |
| <b>Environmental Health (Contaminated Land Officer)</b> | <b>No objection,</b> subject to conditions associated with contaminated land.   |
| <b>County Council (Mineral Safeguarding)</b>            | No observations received within the statutory timescales.   |
| <b>Public Rights of Way Officer</b>                     | <b>No objection,</b> and welcomes the provision of connections to the public rights of way.   |
| <b>National Grid</b>                                    | No observations received within the statutory timescales  |
| <b>Strategic Housing Officer</b>                        | <b>No objection</b>   |
| <b>Ramblers Association</b>                             | No observations received within the statutory timescales  |
| <b>Fire Safety Officer</b>                              | <b>No objection</b>   |
| <b>Wyre Borough Council</b>                             | No observations received within the statutory timescales  |

## **5.0 Neighbour Representations**

5.1 **66 letters** of objection have been received in response to the scheme raising concerns with the following main issues:

- Highway issues, including increase in traffic in the village and on minor roads; poor visibility at site's junction; safety around the school at peak times and a general lack of footways;
- Sustainability issues, including no public transport, and lack of other infrastructure to support a scheme of this nature, such as school places and shops;
- Impact upon village life, erosion of countryside and loss of agricultural land;
- Drainage and flooding issues, including concerns regarding waste-water management and existing flooding from the brook adjacent to the site;
- The site should not have been included within the local plan as a potential development site;
- The development would have an adverse impact on the AONB;
- Detrimental to the ecological value of the site;
- The village is undertaking a Neighbourhood Plan and this development needs to be considered in this context;
- Number of errors contained within the application namely distances to Garstang and Lancaster and inconsistencies within supporting documents; and,
- Affordable houses in an area with no services is of little benefit.

There has been **29 letters** of support received raising the benefits of the scheme such as;

- Provision of affordable homes in an area of the District where house prices are high;
- Enables people to stay within the village as they may be able to afford a property;
- Would reinforce the character of the area and provision of a shop and supporting local public transport is a positive;

- Maintain and increase the vitality of Dolphinholme village;
- Provision of the daily bus service would be welcomed by the elderly and teenagers.

1 letter neither objecting, or supporting the proposal has been received recommending that an air quality damage cost calculation is undertaken in support of the planning application.

5.2 A petition has been received containing **282 signatures** in opposition to the scheme.

## **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  
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

### **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  
SC4 – Meeting the District's Housing Requirements

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

E3 – Development within and adjacent to the AONB

## 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 Strategic Policies and Land Allocations DPD (Consultation January 2017)

SC1 – Neighbourhood Planning Areas  
H3 – Housing Development in Rural Areas

### 6.7 Other Material Considerations

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

## **7.0 Comment and Analysis**

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

- Principle of development;
- Landscape;
- Layout and Design;
- Highways;
- Drainage;
- Ecology;
- Trees and Hedgerows;
- Education Provision;
- Open Space; and
- Cultural Heritage Impacts.

### 7.1 Principle of development

7.1.1 The site is located on land outside of the main urban area and is identified as ‘Countryside Area’ 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. 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 Policy DM42 of the Development Management DPD 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 Dolphinholme as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Dolphinholme 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 Countryside Area, Saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Countryside Area 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 the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing and this has been further supported by the Housing White Paper ‘*Fixing our broken housing market*’ of February 2017. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential 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 It is fully acknowledged that 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 (LPAs) 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 consideration imply otherwise, opportunities for housing delivery should be considered favourably.
- 7.1.6 Ellel Parish Council, along with Nether Wyresdale Parish Council have made an application to designate the Dolphinholme area as a Neighbourhood Plan area. Consultation on this area designation took place in late 2016 and the designation was approved on 2<sup>h</sup> January 2017. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing appropriate locations to achieve such development. Many have cited concern that this application should not be determined until such time a Neighbourhood Plan has been adopted. Recent case law would suggest that for a Neighbourhood Plan to be considered in the decision making process it must have made significant progress towards completion being at the Referendum stage before any real weight can be attached to it. Clearly the Neighbourhood Plan in Dolphinholme is at a very early stage, and so little weight can be afforded to the community’s intention to prepare a Neighbourhood Plan, but nevertheless is still a material consideration.
- 7.1.7 Whilst the scheme is within the Countryside Area it is contained within the Council’s Strategic Housing Land Availability Assessment 2015 as a Strategic Site (SHLAA ref\_130). It should be stressed that the application site occupies approximately 40% of the SHLAA allocation contained

within SHLAA\_130. The wider allocation has the potential for 150 dwellings. The Strategic Sites are sites that could subject to further investigation, be potential contributors to the District's housing needs, but would require an overarching strategic approach in their delivery, to be considered under the Land Allocations process. At the present moment in time it is not possible to conclude on their deliverability and it is the role of the Neighbourhood Plan to shape development proposals within the village.

7.1.8 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Dolphinholme 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 other relevant policies.

7.1.9 Dolphinholme is effectively split into two parts, Higher Dolphinholme and Lower Dolphinholme. The development is adjacent to residential properties along Brookside Drive and those that bound Abbeystead Road and therefore it is considered that the development has some form of geographical relationship to the existing built form of Higher Dolphinholme. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.

7.1.10 With respect to its relationship to the village in terms of scale and character, the proposed development is a large extension to a village which has in the region of 140 houses. It cannot therefore be considered that the scheme can be seen to be proportionate to the scale and character of the settlement and there are no exceptional circumstances other than the provision of 40% of the units to be affordable units; the contribution to meeting the housing needs of the District; and the addition of the Village store (A1 unit) that weigh in support (albeit an existing store is available at The Fleece pub).

7.1.11 The provision of a village store is a minor strength of the submission and with it brings social and economic benefits. There is a small shop located within the Fleece Public House but this is quite divorced from the settlement (albeit a similar distance from some existing dwellings within the village as those properties are from the application site). Therefore a village-based facility would be of some benefit. Notwithstanding this, there is no evidence before Officers as to whether there is sufficient demand for a village store (which questions the viability). Nevertheless some weight has been attached to this element of the scheme. Some of the letters of support have noted that the provision of further housing would help support local business (such as car garages) and this is not in dispute, and it is accepted that social and economic benefits could occur should a scheme be supported.

7.1.12 As outlined in Paragraph 2.1 of this report the application is made in outline form and therefore layout, scale and appearance are not being considered as part of this application. Nevertheless the local planning authority needs to be convinced that the site has the potential to accommodate a scheme reflective of its rural surroundings and conserves and enhances the character and quality of the landscape. The applicant has submitted an indicative layout in support of the scheme to show how the site could be developed. Whilst layout is not being considered as part of this application there are concerns with the proposed layout in terms of the design proposed given the number of dwellings lends itself to creating a more suburban form of development and with this in mind the development as proposed would detract from the character and the quality of the landscape. Development in Dolphinholme is predominantly linear in arrangement, so the proposed cluster development is not reflective of the village's character and rural appearance.

7.1.13 The applicant is proposing 40% of the units to be affordable (equating to 20 properties), and this is afforded significant and substantial weight in the planning balance argument. Many of those who are in support of the scheme have made reference to wishing to move back to the village or to be closer to family. However, there is no evidence that Dolphinholme and its immediate environs has a demand for this many affordable units, especially given its remote location. Given current planning

legislation the Local Authority can only seek the provision of affordable homes (or financial contributions) on schemes of 10 or more dwellings (and less than 1000 square metres). Therefore a scheme such as the one proposed would allow vital affordable housing to be delivered which is why this is a significant benefit arising from the scheme. However there are some other substantial costs associated with the development, such as education and public transport contributions and a foul water pumping station, and therefore there are reservations that the full 40% affordable contribution can practicably (and viably) be delivered. Notwithstanding this, Officers consider that the development is contrary to Policy DM42 of the Development Management DPD, and Dolphinholme does not contain a wide range of local services to support a scheme of this comparative magnitude. It does have a primary school and a village hall, and has an outsourced post office visiting 2 mornings a week. 2 churches are located within the settlement and there is a (nearby) public house with shop included within it, but residents would be heavily reliant upon private cars for most facilities. Furthermore access to other nearby services such as in Galgate are made more problematic due to the use of the minor roads in the area, although it is accepted that National Cycle Route 6 is located 2km from the village and therefore it is possible to cycle to Lancaster (albeit more likely during the summer months).

### 7.2 Landscape

- 7.2.1 The applicant has submitted a Landscape and Visual Assessment (LVIA) in support of the application and helpfully have included some photomontages from selected viewpoints. The resulting conclusions of the assessment relating to landscape character show that whilst the sensitivity of the landscape here is high, the magnitude of change resulting from the proposal would be low adverse and the impact negligible adverse, and from a visual impact perspective the impact on neighbouring properties would be medium/low adverse and the overall significance would be moderate/minor adverse. With respect to views from the surrounding landscape and AONB, the overall significance would be negligible/minor beneficial.
- 7.2.2 Many residents are concerned regarding the landscape impact of the proposals and this view has been shared by the Forest of Bowland AONB Unit who are of the view that the development would have a detrimental impact on the landscape and special qualities of the AONB.
- 7.2.3 It should be noted that the site is approximately 1km from the Forest of Bowland AONB, and whilst the comments are fully noted from the AONB unit, (as there would be some impact on the AONB) it is not considered that this is likely to be significant in its own right to warrant a refusal of this scheme. The concern, however, is that this site is in a sensitive location and is an important gateway into and out of the AONB/Trough of Bowland and does share similar characteristics to those of the AONB. Notwithstanding this, the site is not within a protected landscape and therefore if land within the Forest of Bowland AONB is to be protected from development then sites with no landscape protection are those that are likely to be the focus of planning applications for development.
- 7.2.4 However, Officers do have concerns regarding the conclusions contained within the applicant's LVIA. It is considered that a development of this scale is not in keeping with the landscape character of the area and would have significant landscape effects (albeit localised). The change from grazing land to a suburban housing estate of this scale will bring about landscape impacts which would be difficult to mitigate (albeit acknowledging the scheme does apply for landscaping as part of the scheme which would offer some screening). It is the opinion of Officers that the development is not in scale and keeping with the existing landscape character and whilst issues associated with layout and external appearance could be determined at a later stage, there is no confidence that a scheme of this magnitude could be found acceptable in this particular location. Therefore the scheme fails to conform to Policies E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD.

### 7.3 Layout and Design Issues

- 7.3.1 Officers have reservations regarding the layout that has been produced although fully understand this is illustrative for the purposes of this application and Members are to be only concerned at this point in time as to the principle of developing up to 49 dwellings and a retail store on this 3.3 hectares of land. There have been welcome improvements to the layout since the withdrawn application, with properties now facing Abbeystead Road and a Village Green incorporated into the scheme, but the scheme still feels suburban and not characteristic of Dolphinholme. In part this is due to the

considerable scale of the development compared to the existing settlement's size, and also in part due to the non-linear arrangement of the proposal.

### 7.4 Highways

7.4.1 The application is accompanied by a Transport Statement (TS) which examines the sustainability credentials of the application site, and the impact that the development may have on the local highway network. The report concludes that the site is not within the most accessible part of the District for non-car modes of transport, but concludes there are facilities nearby within walking distance and there are opportunities and facilities for prospective residents to cycle to nearby amenities. The TS has estimated that the development would generate around 42 two-way vehicle movements in the weekday morning peak period and 46 two-way movements in the weekday afternoon peak hour period, and considers this to be negligible and concludes that there are no highway reasons to refuse the scheme.

7.4.2 The County Council (with respect to application 16/00041/OUT) previously raised concern given the scale of the proposed development (for 68 dwellings) and the impact that this may have on Junction 33 of the M6, and in Galgate and South Lancaster. They also noted that many junctions operate at, or beyond capacity at certain times of the day. With respect to the previous TS, the County was concerned that there were serious deficiencies within it, such as the means of recording the vehicle speeds, and the outputs that had been used in the assessment which includes multi modal public transport to and from the site (even though there is no public transport provision). Whilst these concerns were raised previously the County Council have not raised this as a concern with respect to this application and their objection is based on sustainability arguments.

7.4.3 The County raises concern that the only facility that is nearby is Dolphinholme Primary School and therefore to get to other services, whether that be doctors, shops, or to work, the development will rely on private motorised trips leading to an over reliance on private cars. They consider that the proposal therefore cannot be described as sustainable development in line with the NPPF.

7.4.4 With respect to public transport the proposed development is not on a bus route, although the school services to Ripley St Thomas, Lancaster Grammar and Garstang High Schools do operate from within the village. Whilst there is a bus service, this is only for school use. However, the applicant has discussed with the County Council regarding extending the bus service for members of the public and during holidays which would equate to £12,500 per annum and this would be built into a Travel Plan. Through discussions with the County it is evident that this school service did previously operate during the school holidays, however was removed a few years ago when the passenger survey data showed that only students were using the bus and usage during holidays was virtually nil. Notwithstanding this, the provision is a benefit of the scheme and would enable the village to benefit from a service that currently only allows for school pupils to utilise. The concern however is that given bus services operate twice a day. This level of service may only suit a small proportion of commuter trips so the majority of potential users will not benefit. Given the previous service failed there are concerns that a similar situation would occur here.

7.4.5 With respect to walking or cycling, there is little in the way of quality footway links connecting the site to the wider area. However, it is possible to improve footpaths within the village (such as along Abbeystead Road and also addressing the pinch-point between Abbeystead Lane and Wagon Road). The provision of street lighting along Abbeystead Road could also promote more sustainable transport methods. Cycling has a significant part to play in reducing short car journeys but the location of the site does not promote cycling by virtue of a lack of continuous footways, unlit, poor carriageway alignment. Furthermore most of the local roads are bound by established hedgerows and are subject to the national speed limit. Whilst the more experienced cyclist may not be deterred by this, it does not promote a safe environment to cycle for the typical cyclist.

7.4.6 Officers share the County's view that the site is not in a sustainable location for a development of this scale, although accepts that accessibility is not the sole dimension or key to sustainable development (especially in rural areas). However, given the remoteness (albeit accepting that the village is noted as a Sustainable Rural Settlement) of the village it is not considered that given the scale of the development the scheme can represent sustainable development.

### 7.5 Drainage

7.5.1 Given the site is in excess of 1 hectare the proposal is accompanied by a Flood Risk Assessment (FRA). The applicant's hydrologist has assumed there would be approximately 5,000m<sup>2</sup> of impermeable surfacing provided on the site. Infiltration testing has not been undertaken and therefore it is unclear whether the ground will be suitable for soakaways. This is not uncommon on an outline application. Many of those objecting to the scheme have done so on the basis that surface water from the development site may lead to flooding elsewhere and that the stream that runs to the west of the site floods regularly. The site is not within Flood Zones 2 or 3 however there are elements of the site that do suffer from surface water flooding. Whilst the concerns are noted, the Lead Local Flood Authority have not objected to the development and have proposed a number of conditions to address how surface water could be managed on the site, and the information supplied to date would suggest that the site can be drained with SuDS (Sustainable Urban Drainage) principles in mind. It is considered that the proposal does conform to Policy DM39 of the Development Management DPD and therefore whilst the concerns of local residents are noted it is considered that the scheme can be drained and that flooding will not increase elsewhere in the event of the approval of this scheme.

7.5.2 There has been concern raised by the local community regarding foul water drainage, and the Environment Agency (EA) have not objected to the proposed development, nor have United Utilities, and whilst the applicant proposes to utilise a foul pumping station there is nothing before officers to conclude that the site cannot be drained of foul water. On balance therefore Officers are satisfied that with detailed design that the development would comply with the relevant policies within the Development Management DPD.

### 7.6 Ecology

7.6.1 The application is supported by an ecological appraisal of the site although this survey was undertaken outside of the ideal time for optimal survey conditions (December 2015). The survey was undertaken outside the survey season for water voles and therefore the results of the survey could be considered inconclusive. However, the indicative layout does not show any encroachment into the streamside habitat, and assuming mitigation measures are adopted it is considered that there would be no impact on water voles or their habitat should they utilise this watercourse.

7.6.2 Concern has been raised via the representations received in response to the scheme that the site supports birds such as Curlew and Lapwing. These concerns are fully noted as during the officer's site visits there have been a number of Lapwing utilising the site. Following further discussion with the Council's ecological advisors it is considered that the loss of the fields in isolation is unlikely to impact on wintering birds and therefore they raise no objection to the scheme and recommend the mitigation measures are undertaken in accordance with those recommended within the appraisal. Natural England also offer no objection to the scheme and therefore it is considered that the development complies with Policy DM27 of the Development Management DPD.

### 7.7 Trees and Hedgerows

7.7.1 There are a number of trees and hedgerows that bound the site and the application is supported by an Arboriculture Implications Assessment. There are a total of 18 individual trees within the site and 8 groups of trees together with 11 hedgerows. The applicant proposes to remove c240 metres of hedgerow and an oak tree has been identified for removal given its poor overall condition. However, no other trees have been identified for removal. The Tree Protection Officer has no objection to loss of the proposed hedgerows and trees on the site and raises no objection subject to planning conditions.

7.7.2 The hedgerow that is proposed to be lost to create the required visibility splay notably to the east of the site towards Abbeystead does raise concerns as there would be a swathe of land (to the east of the access) which would need to be grassed and this is considered to be a significant weakness of the scheme as it does urbanise the rural grain of the village.

### 7.8 Education Provision

7.8.1 A justified concern amongst many of those that have made representations is whether there is sufficient education provision within the local area. On such matters the local planning authority always takes the advice of the County Council, who act as the education authority for the District. They recommend that there would be a need for 11 additional primary school places to be provided



at Dolphinholme Church of England School which equates to a financial contribution of £148,219.53. The County has stated that there is a need for 5 secondary school places which equates to £101,517.95. Assuming the applicant would be amenable to entering into a Section 106 agreement to secure the provision of these monies to be put towards education places, it is considered that the development would meet the requirements of Policy DM48 of the Development Management DPD.

### 7.9 Open Space Provision

7.9.1 Whilst the layout is indicative, the applicant's original submission contained pockets of open space across the site which also acted as surface water attenuation lagoons. However, now a village green has been proposed. There is appropriate open space which has been provided and in any event could be controlled by planning condition should Members seek to approve the scheme. Given the scale of the development, an on-site play area would be required.

7.9.2 In addition a financial contribution of £94,849 has been requested by the Public Realm Officer and the rationale is to fund improvements to the bowling green or tennis courts (£54,081); the upgrading of the kickabout area in the village/outdoor facilities at the village hall location (£25,480); together with a financial contribution towards making a positive contribution to the village hall and/or allotments (£15,288). Planning obligations can only be sought where they are considered necessary to make developments acceptable, directly related to the development, and fair and reasonably related in scale and kind to the development that is being proposed. The application is made in outline form, and therefore whilst officers believe that a financial contribution could go towards the likes of upgrading the kickabout area in the village, it would not be considered reasonable to require a contribution towards the bowling green and tennis courts given there are no firm plans at present to undertake improvement works. Notwithstanding the above, should Members determine to approve the scheme it is recommended that a financial contribution towards the upgrading of facilities within the Parish is secured by means of legal agreement with the amount to be calculated at the Reserved Matters stage when the number and size of the dwellings are known.

### 7.10 Cultural Heritage

7.10.1 The proposed development is approximately 150 metres to the south of Lower Starbank Farm which is a Grade II Listed building. Given the distance, and subject to appropriate design it is not considered that the setting will be unduly harmed. The Council's Conservation Officer raises no objection and it is considered that the scheme complies with Policy 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. It is considered that the setting of the heritage asset would be preserved on the basis of a scheme to be assessed at the Reserved Matters stage. No response has been received from the Lancashire Archaeological Advisory Service and therefore in the absence of advice to the contrary, it is assumed that the site does not have the potential to contain any buried archaeology that would need to be preserved in situ.

## **8.0 Planning Obligations**

8.1 If Members were minded to approve the scheme contrary to the recommendation, it is recommended that the following should be sought by way of legal agreement;

- 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 addressed at Reserved Matters stage based on local housing needs and viability);
- Education contribution of £249,737.48 for primary school and secondary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution to be re-assessed at the Reserved Matters stage.
- Long term maintenance of open space, drainage and highways.
- Travel Plan (and associated contributions towards bus service provision).

These requirements are considered to meet the tests set out in Paragraph 204 of the NPPF. Given the scheme there would be a need for a number of works that would be undertaken under Section 278 of the Highways Act. These works could be conditioned.

## **9.0 Conclusions**

- 9.1 The scheme does present significant benefits such as the important provision of affordable housing, delivery of market homes, and increasing the population of the village could go some way to assist in supporting and maintaining the village's current services. Notwithstanding this it is considered that due to the scale of the proposed development relative to the size of Dolphinholme, it is felt that the proposal is disproportionate to the existing scale and character of the village, and as a consequence the development would have an unacceptable landscape impact. Officers and the Highways Authority share the view that a development of this scale in the village cannot represent sustainable development, as the village has no bus service provision other than the school service (albeit the local planning authority welcomes attempts to enable the local population to utilise this), and travelling by other means of sustainable transport methods such as walking and cycling is difficult and unsafe due to the make-up of the local roads.
- 9.2 Overall, for the reasons above it is considered that the development is not sustainable development and therefore the presumption in favour of sustainable development does not apply in this case, and it is recommended to Members that despite the positives associated with the scheme such as the delivery of affordable homes and the provision of a village store (though the village does have an existing store at The Fleece pub so the benefit is minimal), on balance the harm caused by the development outweighs the benefits.

## **Recommendation**

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

1. The development is not well related to the existing scale and character of Dolphinholme, and is considered to have a detrimental impact on the character and quality of the landscape; the intrinsic character of the rural landscape and settlement would be lost. The development therefore is not seen as a sustainable or suitable extension to the village, and thus fails to adhere to Policies DM28, DM35, DM41, and DM42 of the Development Management DPD, saved Policy E4 of the Lancaster District Local Plan, Policy SC1 of the Lancaster Core Strategy and Paragraphs 7 and 14 of the National Planning Policy Framework.
2. The proposed development by virtue of its location and access to services renders the site unattractive to walk and travel by other sustainable means of transport between workplaces, shops, schools, health care centres, recreation, leisure and community facilities and therefore it is not considered the proposal represents sustainable development and fails to conform to Policy SC1 of the Lancaster Core Strategy, Policies DM20, DM21, DM28, DM35 and DM42 of the Development Management DPD, and Paragraphs 7 and 14 of the National Planning Policy Framework.

## **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 takes 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. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

## **Background Papers**

None

|   |  |   |
|---|--|---|
| <b>Agenda Item</b><br>A7  | <b>Committee Date</b><br>3 April 2017  | <b>Application Number</b><br>16/01394/FUL |
| <b>Application Site</b><br>1 Spring Garden Street<br>Lancaster<br>Lancashire<br>LA1 1RQ | <b>Proposal</b><br>Partial demolition and alteration of existing building and erection of a two storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed student cluster flats (C4) on upper floors |   |
| <b>Name of Applicant</b><br>Mr Stephen Wilkinson  | <b>Name of Agent</b><br>Mr Michael Harrison  |   |
| <b>Decision Target Date</b><br>Extension of time agreed until 6 April 2017              | <b>Reason For Delay</b><br>Negotiating amendments to design  |   |
| <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, the applicant has declared that he is related to Councillor Wilkinson and, as such, the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The site is located on Spring Garden Street in the centre of Lancaster, on the edge of the main retail area, within the Conservation Area. It currently comprises a long single storey building which has a monopitch roof, giving it the appearance of a one and a half storey building at the front. It is finished in stone on the front elevation, which is painted white, and has dark patent glazing above. The side and rear walls are constructed of brick. There is also a single storey flat roof outbuilding attached to the rear of the building, located towards the east of the site. Adjacent to this is a yard area accessed via a pedestrian passageway at the rear of 70 Penny Street. The building abuts the rear of the footpath on Spring Garden Street. At present the property is used as a retail outlet for second hand goods.
- 1.2 A large electricity substation immediately adjoins the western boundary, and its curtilage wraps partially around the rear of the application site. This also abuts the pavement and comprises a gated access immediately adjacent to the site, and a long rendered wall, approximately 4 metres high. To the east of the site is a terrace of traditional three storey stone buildings which front onto Penny Street and have retail units at ground floor. These are not listed but have been identified as contributing positively to the Conservation Area. On the opposite side of the road, to the north of the site, is a lower three storey building fronting Penny Street and two storey buildings which face onto Spring Garden Street, one of which is a public house.
- 1.3 The site is within the City Centre area and is identified as other key frontage, as opposed to protected or primary retail frontage, on the Local Plan Proposals Map. Common Garden Street is also part of the Strategic Cycle Network and the pavement adjacent to the site contains a cycle lane/path.

**2.0 The Proposal**

- 2.1 Planning permission is sought for a building comprising three storeys to deliver four retail units and a store at ground floor with student accommodation above. The ground floor is retained in largely its existing plan form with an extension to the existing rear outrigger to increase the floor space, incorporating the access to the student accommodation occupying the upper floors of 70/72 Penny Street. The mono-pitched roof is proposed to be removed with glazing inserted at ground floor to create four separate shop fronts, separated by columns of ashlar stone. The upper floor would be finished in coursed natural sandstone on the front elevation and a stone coloured render on the sides and rear. Most of the windows would be timber sliding sash, finished in grey with stone surrounds, with a grey powder coated aluminium feature around a group of windows on the front elevation. The building would have a slate roof and a partially glazed flat roofed link to adjacent property fronting Penny Street.
- 2.2 On each of the first and second floors the accommodation would comprise a 4 bedroom cluster flat with a shared kitchen/living/dining room and two bathrooms. Access is proposed to utilise the rear outrigger at 70/72 Penny Street with access onto Spring Garden Street from the existing pedestrian access which will be built above. Within the rear yard a bike and bin store are to be provided.

**3.0 Site History**

3.1 An earlier application in 2016 for a similar, but larger, student accommodation scheme on this site (16/00519/FUL) was withdrawn before it was reported to Planning Committee. It comprised both three and four storeys, with retail on the ground floor and three cluster flats on the upper floors. Prior to withdrawal, it was recommended for refusal on the following grounds:

1. *The current proposal fails to respect the design, form, massing and scale of the adjacent buildings and, as a result of this and the use of inappropriate materials, is not considered to represent high quality urban design as advocated by the NPPF and will have a detrimental impact on the streetscene. 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.*
2. *As a result of the scale, form, massing, design and poor relationship to the adjacent buildings fronting Penny Street, it is not considered that the proposal will preserve or enhance the special character or appearance of the Conservation Area and will have a detrimental impact on the adjacent non-designated heritage assets. The scheme therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 12 and Policies DM31 and DM33 of the Development Management Development Plan Document.*
3. *Insufficient information has been submitted to be able to fully assess the impacts of noise from nearby uses on the future occupiers of the accommodation to be able to determine if the accommodation proposed provides an acceptable level of amenity and if any impacts can be mitigated as part of the current scheme. It therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 11 and Policy DM35 of the Development Management Development Plan Document.*

3.2 Prior to the previous application, pre-application advice, ref. 15/00766/PRETWO, was sought which comprised a similar proposed use but with an additional floor and a slightly different design.

**4.0 Consultation Responses**

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

| Consultee                   | Response   |
|-----------------------------|--|
| <b>County Highways</b>      | <b>No objections.</b>  |
| <b>Environmental Health</b> | <b>No objection</b> subject to a condition requiring levels of sound insulation in relation to various building elements and mechanical ventilation. |

|   |   |
|---|---|
| <b>Conservation</b>                               | <b>No objection.</b> The alteration to sandstone to the frontage is welcomed, subject to details of coursing and sample. Overall, support a contemporary design which respects the surrounding scale and massing of buildings within the Conservation Area, which this proposal does achieve. The proposed large amounts of glazing at ground floor does create a disconnection from ground to upper floors. However, it is not considered this will cause harm to the significance of the Conservation Area. |
| <b>Parking Services</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.  |
| <b>Lancashire Archaeological Advisory Service</b> | <b>No objection</b> subject to a condition requiring a programme of archaeological investigation, recording and analysis.   |
| <b>LUSU Housing</b>                               | No comments received  |
| <b>University of Cumbria</b>                      | No comments received  |
| <b>Lancaster Civic Society</b>                    | <b>Comments</b> - Note improvements have been made to the Spring Garden Street frontage from the previous application which has resulted in an overall reduction in height. The use of ashlar and render is welcomed. Question if more of a feature could be made of the staircase windows.   |
| <b>Lancashire Constabulary</b>                    | <b>No objections.</b> Recommend security measures are incorporated.   |
| <b>Electricity North West</b>                     | <b>Comments</b> - the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.   |

## **5.0 Neighbour Representations**

5.1 No neighbour representations 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 23 – Ensuring the vitality of town centres

Paragraph 32 – Access and Transport

Paragraphs 49 and 50 – Delivering Housing

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraph 123 – Noise impacts

Paragraphs 131 – 134, 137 and 141 – Designated Heritage Assets

Paragraph 135 – Non-designated 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)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design  
SC6 – Crime and Community Safety

### 6.4 Development Management Development Plan Document

DM1 – Town Centre Development  
DM2 – Retail Frontages  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development Affecting Non-Designated Heritage Assets or their settings  
DM34 – Archaeological Features and Scheduled Monuments  
DM35 – Key Design Principles  
DM39 – Surface Water run-off and Sustainable Drainage  
DM46 – Accommodation for Students

Appendix D: Purpose Built and Converted Shared Accommodation

### 6.5 Other Material Considerations

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7.0 Comment and Analysis**

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

- Principle of development
- Scale, design and impact on heritage assets
- Highway implications
- Impact on amenity of neighbouring properties
- Standard of accommodation

### 7.2 Principle of development

7.2.1 The site is located within the city centre on a secondary retail frontage. The scheme is for residential, but retains the retail use at ground floor and will therefore not have a detrimental impact on the vitality of the city centre. The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location, close to local services and facilities. It is also close to good bus routes to Lancaster University and University of Cumbria. The need for student accommodation in the city centre is identified within the DM DPD and Policy DM46 sets out criteria by which proposals will be assessed, so the principle of the scheme is accepted.

### 7.3 Scale, design and impact on heritage assets

- 7.3.1 As set out above, the site is located on Spring Garden Street, within the Conservation Area, close to the junction with Penny Street. Views can be obtained of the site from both Penny Street and King Street, in addition to the road on which it is located. The existing building is poor in terms of its design and does not contribute positively to the character and appearance of the Conservation Area, although its harm is limited given its relatively low height. The redevelopment of this site provides an opportunity to provide significant enhancements to this part of the Conservation Area.
- 7.3.2 A previous application for a three and four storey building was recommended for refusal, but withdrawn before it was reported to the Planning Committee. There were particular concerns regarding the scale, massing and design of the building and its poor relationship to the adjacent properties on Penny Street. The current application proposes a three storey building, with a pitched slate roof, linked to the adjacent property on Penny Street by a predominantly glazed flat roof element, with a lower height than the main part of the building. The ridge only slightly projects above the eaves of the adjoining dwelling and the link has provided a visual separation between the buildings. As such it is now considered that the proposed massing and scale now better relates to the surrounding built form.
- 7.3.3 In terms of the materials, the front elevation would comprise predominantly glazed shopfronts at ground floor separated by ashlar stone pillars and coursed sandstone above. There were originally only two retail units proposed at ground floor, so there was less glazing, and the upper floors were proposed to be finished in white render. There were concerns about the use of render on the front elevation, given the design and appearance of the adjacent buildings, though it was considered that a stone coloured render would be acceptable on the side and rear elevations. However, due to the cost of using stone, the applicant has decided to provide a greater number of smaller sized retail units (4 smaller units are deemed by the applicant to provide a better return than 1 or 2 larger ones), which has reduced the amount of glazing. Ashlar has been reintroduced to break this up, but there are still concerns that the arrangement of the shopfronts, and amount of glazing, does not relate well to the upper floors.
- 7.3.4 A grey cladding window surround has been introduced on the front elevation which provides a modern element to the building. It was suggested that another element was added in order to break up the mass of the building and concerns were raised regarding the design of the original windows proposed. Most of windows have been changed to grey sliding sash with stone surrounds. There were some concerns with bringing these more traditional elements into the modern building, as there is always a danger that it creates a poorer copy of the adjacent traditional buildings if it does not fully reflect traditional scaling and design. However, it is considered that the proposal provides a visual break between the adjoining more traditional buildings and a more contemporary design that respects its surrounds.
- 7.3.5 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in policies DM31 and DM32, with the former setting out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
  - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
  - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- 7.3.6 The current building on the site does not contribute to the historic or architectural interest of the area and the proposed redevelopment will take a contemporary approach which is sympathetic in scale and height to the surrounding buildings within the Conservation Area. Whilst there are some minor concerns about some elements of the design, as set out above, it is considered that the proposal will preserve the character and appearance of this part of the Conservation Area, and it likely to enhance this, given the appearance of the existing building.

7.3.7 Detailed comments have been received from the Lancashire Archaeological Advisory Service. The site falls within the known bounds of Lancaster's Roman cemetery, and evidence of a number of burials of this period was found on the site of 77-79 Penny Street prior to its redevelopment. Further evidence of Roman activity, including some bone fragments, was also found during works to the west side of the Spring Garden substation. These discoveries would suggest that the site lies outside the formal boundary of the Roman town, although it may be only just outside it. Little is known of the town's layout between the end of the Roman period and medieval times. It seems probable, however, that there was continued occupation on a similar pattern to before, which resulted in the preservation of the two main Roman road lines in the modern Penny Street/Cheapside and St Mary Gate/Church Street. Both Penny Street and King Street are noted during the medieval period and are shown on Lancaster's earliest map, that of John Speed of 1610. This map does not show Spring Garden Street, and it seems probable that it (and the parallel Common Garden Street) were later additions to bring former back lands into use in the early post medieval period. The redevelopment of the site has a reasonably high potential for the preservation of Roman burials, medieval 'back land' development and buried remains of the earlier buildings on the site. Whilst it is unlikely that any such remains would be considered so important as to require preservation at the expense of development, they would merit 'preservation by record'. A condition has been requested by the Archaeological Advisory Service, which is considered to be appropriate.

7.3.8 Lancashire Constabulary has advised that from a crime and incident search of the nearby areas there have been recorded crimes and incidents such as theft, criminal damage and assault. Student accommodation can often be targeted by offenders for criminal activity such as burglary and theft, facilitated by unauthorised entry being gained by methods such as human tailgating. They have recommended security measures for this scheme. Many of these cannot be covered by planning legislation, but heights of access gates and lighting can be addressed by planning condition and the applicant can be made aware of the recommendations.

#### 7.4 Highway Implications

7.4.1 The scheme does not propose any parking or vehicular access to the site. Cycle storage is proposed in the rear yard. This does not appear to be covered and it would be expected to be to ensure that it is more secure and likely to be utilised. However, this could be controlled by condition. The site is easily accessible by a choice of sustainable travel modes including foot, cycle and public transport. The surrounding pedestrian environment is of an acceptable quality, with footways being well-lit adding to a sense of personal security. Signage and the built form add to a good level of legibility with adjacent pedestrian footway links providing an acceptable means of access to the application site. The site also lies adjacent to a designated cycle route which provides access to the city centre and surrounding cycle network. There is a city centre car park located within 50 metres of the site which could be utilised by occupants for the loading/unloading of belongings. No objections have been raised by the Highways Authority, and it is not considered that the proposal would have a detrimental impact on highways safety.

#### 7.5 Impact on amenity of neighbouring properties

7.5.1 The upper floors of the adjoining building, 70-72 Penny Street contain student accommodation which was granted consent in 2000. There are no windows facing the site, with the exception of some serving the stair well. The outlook to the rooms is onto Penny Street and Spring Garden Street. As such, it is not considered that the proposal will have a detrimental impact on occupiers of this property. There are windows in the rear on numbers 74 and 76 Penny Street. However, outlook and light is already impacted by the existing outrigger at 70-72. Given this, and the position of the building to the north west of these properties, it is not considered that there will be a significant adverse impact on the amenities of the occupiers of these properties. There are also some windows in the first floor of the property on the opposite side of the highway, at the rear of 66 Penny Street. There is approximately 11 metres between the site and this building which is not a distance which would usually be accepted between facing rooms in residential accommodation. However, the city centre location does need to be taken into consideration. It is not clear if it is residential accommodation, but it is considered likely. However, on balance, given the city centre location and that some of the windows are offset from each other, the relationship is considered to be acceptable.

#### 7.6 Standard of Accommodation/ Amenity of occupiers

7.6.1 The scheme comprises two shared student flats, one on each of the upper floors. These would each



have four bedrooms with two shared bathrooms and a shared kitchen and living area. Both units would share the external yard containing a bin and bike store. The sizes of the rooms, light and outlook are considered to be acceptable and comply with the standards set out in Appendix D of the DM DPD.

- 7.6.2 The site is located in a busy city centre location, directly opposite a nightclub and other nearby licensed premises that are permitted to operate into early morning hours and regularly extend operating hours through the Licensing Act regime. Records held by the Environmental Health service show that noise complaints have been received from nearby businesses and local residents about music noise and people noise at and around this location. A noise assessment has been carried out and submitted with the application. The noise assessment clearly shows that noise associated with the Hustle Nightclub and noise incidents typically associated with the night-time economy usually found within and around a city centre locations such as this, will have significant observed effect levels on future occupants unless satisfactory mitigation measures are implemented. The Environmental Health Officer has advised that it has been demonstrated that noise levels can be controlled with construction materials and specific acoustic glazing to meet internal design criteria recommended within BS8233:2014 for both night-time and day-time periods. Furthermore, music noise levels in centre band frequencies at 63Hz and 125Hz will be 'inaudible'. The noise mitigation can be controlled by condition, in addition to mechanical ventilation to serve the bedrooms.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

- 9.1 The proposal for student accommodation is considered to be appropriate in this city centre location and should help to enhance this part of the Conservation Area. It is also considered that the development will provide an acceptable standard of amenity and will not have an adverse impact on nearby residential properties or highway safety.

### **Recommendation**

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

1. Standard 3 year timescale
2. Amended plans
3. Programme of archaeological investigation, recording and analysis
4. Scheme for noise mitigation including mechanical ventilation
5. Materials – details and samples including stonework, render, doors and windows, roofing material, ridge, verge and eaves details, window surrounds, rainwater goods, materials for cycle store, any external surfacing material, all means of enclosure, external lighting, details of shopfronts
6. Provision of bike and bin store
7. Student accommodation restriction

### **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

|  |   |   |
|--|---|---|
| <b>Agenda Item</b><br><br>A8   | <b>Committee Date</b><br><br>3 April 2017   | <b>Application Number</b><br><br>17/00006/FUL |
| <b>Application Site</b><br><br>Land North Of Ashford House<br>Ashton Road<br>Lancaster<br>Lancashire | <b>Proposal</b><br><br>Erection of a detached dwelling (C3) and associated access |   |
| <b>Name of Applicant</b><br><br>Miss Emma Wilson   | <b>Name of Agent</b><br><br>Mr Melanie Lawrenson                                  |   |
| <b>Decision Target Date</b><br><br>3 March 2017  | <b>Reason For Delay</b><br><br>Committee cycle                                    |   |
| <b>Case Officer</b>  | Mr Andrew Clement   |   |
| <b>Departure</b>   | No  |   |
| <b>Summary of Recommendation</b>   | Refusal   |   |

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, the previous planning application was referred to the Planning Committee at the request of Councillor Helme. This previous application was refused, however given the previous request for Committee determination, the current application is also referred to the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The land which forms the subject of this application relates to land to the south of the main urban area of Lancaster, fronting Ashton Road close to Ashford Avenue. The site is currently open pasture, used for grazing in association with the neighbouring equestrian business. The field is bounded to the east by a mature boundary hedgerow to the Ashton Road frontage. To the north is a mature field boundary comprising a line of mature trees and lower level hedgerow. The southern and western boundaries are post and wire fencing.
- 1.2 The land rises significantly from the Ashton Road frontage to the centre of the site before sloping down to the western boundary. The higher ground is part of a ridge line running broadly north-south and is part of a complex of coastal drumlins around the southern side of Lancaster. Immediately to the north of the site are further open fields, again with the land following a similar topography and boundaries formed of mature trees and hedges. Land to the south of the site has a small group of residential properties known as Ashford Avenue. This is a small complex of large dwellings served off a short cul-de-sac, again rising steeply to the west from Ashton Road
- 1.3 A stone access track runs between the application site and the boundaries of the residential properties to the south. The current access off Ashton Road, which is a stone track, serves the equestrian development further to the west on the western side of the ridge line. This access also serves a small car parking area located close to Ashton Road, which to be used in association with the equestrian business.
- 1.4 Relatively new housing development lies on the opposite side of Ashton Road, to the east and a little north of the application site. These residential areas contain modern housing built over the last

decade.

- 1.5 The site is allocated as a Key Urban Landscape and an Urban Greenspace in the Lancaster District Local proposals map. The north and east boundaries of the site include a number of mature trees which are subject to a Tree Preservation Order.

**2.0 The Proposal**

- 2.1 The proposal is seeking to develop a detached two-storey dwelling set to the east of the equestrian facilities and building group. The footprint of the property measures 178sq.m, including an attached classroom and double garage. The proposed dwellinghouse and associated curtilage area is set to be developed on an existing sloping site to be leveled to an area measuring 22.5 metres east-west and 16.7 metres north-south, raising and lowering the levels of the land with 2 metre tall retaining walls. The plot is located on the west facing slope of the site, beyond the ridge line of the drumlins 130 metres west of the site frontage with Ashton Road. The external walls are to be finished in a reclaimed brick and cream render with stone quoin walls under a slate roof with double glazed uPVC windows.

**3.0 Site History**

- 3.1 There have been two planning application refused in 2015 and 2016 for the erection of a detached dwelling and associated access. There have been three applications that are associated with the equestrian use.

| Application Number | Proposal  | Decision                 |
|--------------------|---|--------------------------|
| 16/00764/FUL       | Erection of a detached dwelling (C3) and associated access  | Refused                  |
| 15/01372/FUL       | Erection of a detached dwelling and associated access   | Refused                  |
| 14/00313/FUL       | Retrospective application for the retention of a ménage, stables and floodlights  | Permitted                |
| 08/00088/FUL       | Retrospective application for the retention of an access track, pedestrian path, hardcore areas, fences and concrete yard   | Permitted                |
| 05/01171/CU        | Retrospective application for change of use of agricultural land to livery business and erection of a stable complex and retention of access and parking arrangements | Refused (Appeal Allowed) |

**4.0 Consultation Responses**

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

| Consultee                    | Response  |
|------------------------------|---|
| County Highways              | <b>No objection</b>   |
| Environmental Health Officer | No observation received   |
| Tree Protection Officer      | <b>No objection</b> subject to development in accordance with the received tree survey and a condition for a scheme for new tree planting to be submitted |
| Natural England              | <b>No objection</b>   |
| United Utilities             | <b>No adverse comment</b> , recommendations regarding drainage, water and general comments  |

**5.0 Neighbour Representations**

- 5.1 Three objections to the application have been received. The reasons for opposition include the following:

- Development on a greenfield site
- Design not in-keeping with the canal side rural area

- Proximity to existing housing available and listed for sale
- Unregularised existing barn building
- Overlooking
- Overshadowing
- Security
- Construction noise
- Increased vehicle movements
- Lack of details in application

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

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

#### National Planning Policy Framework

Paragraph 7 – Achieving sustainable development

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Twelve core planning principles

Paragraphs 49, 50 and 55 – Delivering a wide choice of high quality homes

Paragraphs 56, 57, 57 and 61 – Achieving quality in design

Paragraph 109, 117, 118, 120 and 123 – Conserving and enhancing the natural environment

### 6.2 Development Management DPD

**DM28** – Development and landscape impact

**DM29** – Protection of trees, hedgerow and woodlands

**DM35** – Key design principles

**DM41** – New residential development

**DM42** – Managing rural housing

**DM43** – Accommodation for agricultural and forestry workers

**Appendix C** – Criteria for housing development for rural enterprise workers

### 6.3 Lancaster Core Strategy

**SC1** – Sustainable development

**SC3** – Rural communities

**SC4** – Meeting the District's housing requirements

**SC5** – Achieving quality in design

### 6.4 Saved policies of the Lancaster District Local Plan

**E4** – Countryside Area

**E29** – Urban Greenspace

**E31** – Key Urban Landscape

### 6.4 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.

## **7.0 Comment and Analysis**

7.1 The key considerations arising for the proposal are:

- Principle of housing in this location;
- Design and scale;
- Landscape impact upon the Key Urban Landscape and Urban Greenspace; and
- Need for the Dwelling

### **7.2 Principle of Housing in this Location**

7.2.1 The application site falls within a Key Urban Landscape and an Urban Greenspace. Whilst residential development within the Countryside Area is not prevented by saved Local Plan policy E4 (which seeks to manage the landscape impacts through appropriate design, scale, materials and external appearance, the access and parking arrangements, and the nature conservation impacts), saved policies E29 and E31 are far more restrictive, protecting the site from development unless it is essential education or community related development and it preserves the openness, character and appearance of its surroundings.

7.2.2 In developing the Land Allocation DPD, the area of land running to the west and south of Haverbreaks has been reviewed and further landscape assessment work undertaken. Reconfirmation of the allocation is recommended and it is proposed to be allocated as Key Urban Landscape only. Policy DM28 of the DM DPD continues to safeguard these areas of land, protecting natural features and only supporting development that preserves the open nature of the area and the character and appearance of its surroundings.

7.2.3 The site location is considered to be relatively sustainable, located within walking distance of a number of services (900 metres west of Hala crossroads) and also serviced by a limited public bus service. However, despite the sustainability of the location, the principle of developing the land needs to be considered against the current Development Plan policy and emerging allocations, E29 and E31 of the LDLP and DM28 of the DM DPD. These policies seek to safeguard the land, recognising its importance in protecting the setting of the urban area. Currently, the land is open pasture seen rising west from Ashton Road to the ridge line, then down from the ridge line to the canal. A strong hedgerow runs along the Ashton Road frontage with mature protected trees forming the northern boundary of the site. To the west of the ridge line, with the Lancaster Canal directly to the east, there is an established equestrian building cluster regularised retrospectively through 05/01171/CU and other equestrian facilities permitted retrospectively through 14/00313/FUL, in addition to other existing buildings that do not benefit from planning permission at present. The proposed new dwellinghouse is to be sited to the south-east of this existing building group, immediately south of an existing agricultural/equestrian storage building, which does not have planning permission to date.

7.2.4 The principle of the development with such allocations is resisted, with exceptions only being considered for essential education or community related development. The application has

introduced a classroom and toilet to be used in connection with Canal Bank Stables, for people visiting their horses and those taking part in training events. The proposed associated toilet does not meet the width nor the door opening requirements to be considered a disabled toilet, the provision of which is apparently to achieve accreditation with the British Horse Society. It is debatable whether these facilities should be deemed to be “essential education” as required by saved policy E29, but even assuming it meets this requirement of the policy (which given the context it would probably be difficult to argue otherwise), it still fails to meet other requirements, such as maintaining the openness of the area, preserving the environment’s character and proposing appropriate development in terms of scale and siting. Furthermore, the scale of development proposed could not be deemed to be a “limited expansion” of the existing use, again as required by E29. The proposed siting of the dwelling has been moved west in comparison to the previous refused application, on the west facing slope from of the brow of the land, closer to the existing equine building cluster. Although this siting is less prominent than that previously applied for, due to the two storey height combined with requirement for significant landscaping to level the area of land, the proposal fails to meet these criteria and in principle could not be supported.

7.2.5 Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing. Although this is currently the case, the Council has a very clear approach to sustainable development and this is mirrored within paragraph 7 of the NPPF, which ensures that sufficient land of the right type is available in the right places and at the right time to support growth and innovation, by creating a high quality built environment and contributing to protecting and enhancing our natural, built and historic environment. It is not considered that a lack of a five year housing land supply justifies a dwelling that does not comply with the Council’s approach to sustainable development across the district.

### 7.3 Design, Scale and Landscape Impact Upon the Key Urban Landscape and Urban Greenspace

7.3.1 The proposal is seeking to develop two storey detached dwellinghouse with an attached single storey double garage and classroom, plus a further front porch projection. The footprint of the building is 178sq.m, with a maximum ridge height of 7.8 metres and 5 metre high to the eaves, taller than any of the existing single storey buildings within the equine building group. This two storey height is exacerbated by the significant levels of landscaping proposed to flatten the application site, raising the land level to the western side closest to the existing building group by over 1 metre, retained by a stone wall of over 2 metres tall.

7.3.2 Although the sloping land situates the proposed dwellinghouse above the existing equine building group, the location is visually within the context of this developed area, which is an improvement upon the previously refused application for a dwellinghouse sited on the crest of the drumlin on the site. However, the design of the proposed dwellinghouse is considered to be poor, and would appear incongruent to the existing buildings and surrounding open Key Urban Landscape and Urban Greenspace. The external walls of the proposed dwellinghouse are to be finished in a reclaimed brick and cream render with stone quoin walls under a slate roof with double glazed uPVC windows. Although these are common building materials for new build dwellinghouses, in this location the materials will contrast with the existing buildings and wider grassland site, and does not work with the sloping topography of the landscape. Furthermore, the contrasting roof pitches of the two storey and single storey structures from the north facing elevation would not be encouraged at any site, and particular not within such a sensitive location.

7.3.3 Alternative designs were suggested to the agent, with a split level approach to minimise the scale of landscaping required combined with a contemporary design to appear less conspicuous within the Key Urban Landscape would be more appropriate in this location. These suggestions were made to try to address concerns with the design concerns of the proposal, even though the principle of development could not be supported. No amended plans or further information has been received regarding this application.

7.3.4 The design of the proposed two storey dwellinghouse does not adequately relate to the existing buildings nor its environment. The property alone fails to meet this criteria, but the parking and garden paraphernalia associated with such a domestic use would further erode the character of the area. Therefore the application is considered to be contrary to policies DM35, DM41 and NPPF Section 11.

7.4 Need for the dwelling

7.4.1 The application proposes a dwelling to serve a rural enterprise, namely Canal Bank Stables. The location of the dwelling is not isolated in terms of its' rurality, but would still need to be assessed against Policy DM43 (accommodation for agricultural and forestry workers) and the associated Appendix C of the DM DPD. An agricultural worker's dwelling is only deemed acceptable where both the financial and functional tests are met.

7.4.2 The stable enterprise has been establish (with the benefit of retrospective planning consents) since 2006. The application fails to set out any employment associated within the enterprise but is known to employ at least the applicant and another staff member on a full time basis. The stables appear to have been operating on a sound financial basis for all this period but the application has failed to provide any detailed financial background. However, notwithstanding the lack of information in this regard, given the longevity of the enterprise and continued employment of at least two people, it is considered that the financial requirements of policy DM43 and Appendix C are met.

7.4.3 The application is seeking to establish a permanent dwelling to serve the enterprise. This approach has been adopted giving the longstanding nature of the enterprise and a perceived lack of need to justify its financial soundness. This approach is considered reasonable, as a demand for a temporary dwelling is usually linked to newly established enterprises with an unknown economic footing.

7.4.4 Policy DM43 of the DM DPD sets out a number of criteria against which such development must be considered. Proposals would only be supported providing all the criteria are met:

- i. There is an identified functional need;
- ii. Relates to a full time worker;
- iii. Established for 3 years and met the financial tests;
- iv. The functional need cannot be fulfilled by another dwelling on the land or in the area; and
- v. The dwelling is sited to minimise the impact on the surrounding area, well designed and well-related to the enterprise or other dwellings.

7.4.5 In demonstrating a functional need for the development, the application makes direct reference to security issues at the site, including break-ins and thefts. Whilst clearly disturbing to the enterprise, it is recognised that security is not a justifiable material consideration in assessing such a need. The need to provide essential care at short notice and to deal with emergencies are identified as the necessary criteria. Additional information has been received from the applicant that states that there has been recent outbreak of strangles and loss of some animals due to illness, with a need to provide 24 hour care to monitor the animals. Recently the applicant has stayed overnight in the stables to provide such care. The proposed dwelling would enable motion and sound activated cameras to be installed, allowing the applicant to arrive at the stables immediately to assist the animals. It is considered that whilst the applicant has provided further justification for the need of the dwelling, the protection of livestock (in this case horses) from theft, injury or disease is not in itself sufficient to justify a dwelling as stated within Appendix C of the DM DPD. Therefore the application is considered to fail criteria i of the policy.

7.4.6 As stated in 7.4.2, criteria ii and iii appear to be met.

7.4.6 The applicant lives approximately 6 miles north of the site in the urban area of Morecambe. No justification or reasoning has been provided for the applicant's current location (a recent purchase). The information provided still does not justify why a dwelling in the immediate vicinity of the site would not meet the needs of the enterprise. Given the very close proximity of a wide range of dwelling styles, sizes and value and the availability of technology to overlook the enterprises, it is considered that the submission fails criteria iv of the policy. Upon writing this report, there are at least 7 dwellinghouses available to purchase within 250 metres of the application site, ranging in price from £60,000 for a shared ownership house up to a £500,000 property. With the installation of motion and sound activated cameras in the equine building group, a link to a dwellinghouse under 250 metres from the site would allow for almost immediate arrival at the equestrian facility.

7.4.7 Turning to criteria v, as addressed in paragraphs 7.3.1 to 7.3.4, the poor design and impact upon the surroundings and Key Urban Landscape does not meet this final criteria for agricultural worker dwellings.

7.4.8 Overall, it is considered that whilst the siting of the proposed dwellinghouse is now better related to the equine building group, which is an improvement upon that in previously refused applications, it still has not addressed the policy requirements. The overall design of the property is still poor in terms of its' relationship with the landscape . The scheme has failed to minimise its impact on the surrounding area through design, nor has satisfactory justification for the agricultural dwellinghouse been provided. Therefore, the application is considered to fail criteria i. iv. and v. of policy DM43, as well as saved policies E29 and E31 of the Local Plan and policy DM28 of the DPD.

### 7.5 Other Matters

#### 7.5.1 Trees

The north and east boundaries of the site include a number of mature trees subject to a Tree Preservation Order. The applicant has submitted an arboricultural impact assessment and method statement that concludes that the proposed location of the dwelling will not affect or require the removal of any trees. Therefore, the requirement of a tree survey and tree works schedule is no longer required, and subject to a scheme for new tree planting to be submitted, there are no concerns regarding impact upon trees.

#### 7.5.2 Water Main

The wider site is affected by the line of a 0.3m diameter cast iron water main which runs close to the southern boundary of the site in an east west direction before veering west north west. United Utilises raised no objection to the proposal subject to recommendations.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The proposal fails to satisfy saved Local Plan policies E4 (Countryside Area), E29 (Urban Green space), E31 (Key Urban Landscape) and DM28 of the DM DPD, which seek to safeguard the character of the land and recognise its importance of protecting the setting of the urban area. The principle of development with such allocations is resisted with the exception of essential education or community related development. The application has introduced a classroom and toilet to be used in connection with the Canal Bank Stables, which on balance is deemed to be an acceptable education use in this context (in line with E29), though the scale of development proposed could not be deemed to be a "limited expansion". Furthermore, the other 3 policies are more restrictive in order to preserve the openness and character of the area. The design and scale of the dwellinghouse does not take account of the characteristics of the location, and is considered to relate poorly to the existing buildings and the wider Key Urban Landscape (in terms of proposed design and land levels). For this reason it also fails to meet some of the criteria within DM43 of the DPD.

9.2 Whilst the Local Planning Authority acknowledges that it lacks a 5 year housing supply of deliverable sites and the presumption in favour of sustainable development applies, the principle of the proposed private single dwelling in this location is not supported, as the harm which has been identified in respect of the openness and character of the landscape outweighs the presumption.

## **Recommendation**

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

1. The proposal seeks to develop a new dwelling within areas designated as Key Urban Landscape and Urban Greenspace as defined within the development plan which seek to safeguard these areas of land, protecting natural features and only supporting development that preserves the open nature of the area and the character and appearance of its surroundings. Whilst limited expansion of existing uses will be permitted for exceptional essential educational and community related facilities the submission has failed to propose a development, by reason of its scale, location and form, that safeguards and preserves the open nature and landscape value of the area to the detriment the character and appearance of the area. As such the proposal is considered to be contrary to saved policies E4, E29 and E31 of the Lancaster District local Plan, policy SC5 of the Core Strategy, and policies DM28 and DM35 of the Lancaster District Development Management DPD and Section 7 of the National Planning Policy Framework.



2. The proposal seeks to develop a rural enterprise dwelling to support the neighbouring Canal Bank Stables. In the opinion of the local planning authority the proposal as submitted fails to fully consider or demonstrate a functional need for the dwelling. The development is therefore considered to be contrary to Policy DM43 (and Appendix C) of the Development Management DPD and the provisions of the National Planning Policy Framework, in particular paragraph 55.

### **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 takes 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 prescribed in the Notice. 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<br>A9   | Committee Date<br>3 April 2017   | Application Number<br>16/01487/VLA |
|---|--|------------------------------------|
| <p align="center"><b>Application Site</b></p> <p align="center">Land East Of Railway Line<br/>St Michaels Lane<br/>Bolton Le Sands<br/>Lancashire</p> | <p align="center"><b>Proposal</b></p> <p align="center">Variation of legal agreement attached to planning permission 15/01167/FUL to vary the affordable housing provision</p> |                                    |
| <p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Gary Middlebrook</p>  | <p align="center"><b>Name of Agent</b></p> <p align="center">Mr Daniel Hughes</p>  |                                    |
| <p align="center"><b>Decision Target Date</b></p> <p align="center">16 January 2017</p>   | <p align="center"><b>Reason For Delay</b></p> <p align="center">Independent assessment of viability appraisal</p>  |                                    |
| <p><b>Case Officer</b></p>  | <p>Mrs Jennifer Rehman</p>   |                                    |
| <p><b>Departure</b></p>   | <p>No</p>  |                                    |
| <p><b>Summary of Recommendation</b></p>   | <p>Refusal</p>   |                                    |

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

- 1.1 The application site relates to a 0.76 hectare parcel of pasture land located on the south-eastern periphery of the built-up area of Bolton-le-Sands. The site is situated to the east of the West Coast Main Line (WCML) with residential development bordering the site to the north and east. To the south is agricultural land designated as Green Belt. Native hedgerows and trees surround the site with an open drainage ditch running along part the western boundary. The nature of surrounding residential development is predominately two-storey in scale but of varying styles and architectural periods.
- 1.2 The site is accessed off St Michael's Lane which runs along the northern boundary of the site. This road links to the A6 in the east over the WCML immediately to the north west of the site.
- 1.3 The site is within the District's Countryside Area and partly located with land designated for Mineral Safeguarding. There are no other designations or land use allocations relating to the application site.

## **2.0 The Proposal**

- 2.1 The applicant has submitted an application to vary the terms of the legal agreement attached to planning permission 15/01167/FUL, for the erection of 20 dwellings with an associated new access.
- 2.2 The permission was granted subject to planning conditions and a legal agreement securing the following:
  - 1. Provision of a minimum of 40% affordable housing of which 50% will be provided as intermediate affordable housing and 50% as social rented housing (unless an alternative affordable housing scheme is approved in writing with the Council first);
  - 2. An Education Contribution to the sum of £79,444.00 (equivalent to 1 secondary school place and 5 primary school place); and
  - 3. An Open Space Contribution to the sum of £25,000 (£10,000 to off-site improvements to equipped play areas; £10,000 for off-site improvements to children and young person's facilities and £5,000 for off-site improvements to parks and gardens).

2.3 The applicant has submitted an application to vary the terms of the legal agreement under Section 106A of the Town and Country Planning Act. This can be done where the developer and local planning authority (LPA) agree to renegotiate. This application has been submitted with a viability appraisal to evidence the applicant's claim the development cannot meet the requirements of the originally agreed affordable housing obligations. As viability is a material planning consideration, it would not be conducive to the Council's role in facilitating the delivery of housing for the LPA not to agree to consider changes to the planning obligation in this regard. The landowners of the site have also confirmed agreement to vary the terms of the agreement.

2.4 The applicant seeks to vary paragraph 1.1 of the Third Schedule which reads:

*“To submit an Affordable Housing Scheme to the Council which provides for a minimum of 40% Affordable Housing Units out of the 20 dwellings built on the Site, of which 50% will be provided as intermediate Affordable Housing and 50% as Social Rented Housing unless an alternative Affordable Housing Scheme is approved by the Council, which must firstly be agreed in writing between the relevant parties”;*

and paragraph 2 of the Third Schedule which reads:

*“Not to allow the Occupation of more than two (2) of the Market Dwellings prior to payment to the Council of the Education Contribution”.*

2.5 The applicant seeks to reduce the affordable housing provision from 40% to 10% of the 20 dwellings built on the site. The applicant's submission indicates the affordable units would comprise two 2-bedroom intermediate affordable housing units. A viability appraisal has been submitted to support the applicant's changes.

2.6 The applicant also seeks to modify the trigger for the payment of the education contribution to not to allow the occupation of more than fifteen (15) market dwellings prior to the payment of the education contribution.

**3.0 Site History**

3.1 The relevant planning history is set out in the table below:

| Application Number | Proposal                                       | Decision |
|--------------------|--|----------|
| 15/01167/FUL       | Erection of 20 dwellings and associated access | Approved |

**4.0 Consultation Responses**

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

| Consultee           | Response  |
|---------------------|---|
| Strategic Housing   | Based on the independent review of the viability, recommends refusal. |
| Education Authority | No objections to the changes to the trigger for payment.              |

**5.0 Neighbour Representations**

5.1 Whilst there are no statutory requirements to publicise applications to vary legal agreement, a site notice has been posted adjacent to the application site along with an advert in the local press. At the time of drafting this report, no representations have been received.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework

Paragraphs 7, 14 and 17 – Presumption in favour of Sustainable Development and Core Planning Principles;  
Section 6 – Delivering a wide choice of high quality homes;

Paragraph 72 – Supporting education provision to meet the needs of the community;  
Paragraph 173 – Ensuring viability and deliverability;  
Paragraphs 204 and 205 - Planning 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 Development Management DPD Policies:

DM41 (New Residential Development)  
DM42 (Managing Rural Housing Growth)  
DM48 (Community Infrastructure)

### 6.4 Lancaster District Core Strategy Policies:

SC1 (Sustainable Development)  
SC4 (Meeting Housing Requirements)

## **7.0 Comment and Analysis**

7.1 Section 106A of the Town and County Planning Act 1990 relates to the modification and discharge of planning obligations. S106A (1) states that a planning obligation may not be modified or discharged except-

- (a) By agreement between the appropriate authority and the person or persons against whom the obligation is enforceable; or
- (b) In accordance with this section and section a106B (appeals).

7.2 The NPPF states at paragraph 205 that '*where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planning development being stalled*'. Whilst there has not been a significant length of time between the planning permission being issued and the submission of this application to vary the legal agreement, Officers have been advised that following further on-site ground investigations there are increased abnormalities associated with the development of the site leading to development viability issues. A viability appraisal has been

provided to support the applicant's proposal to reduce the affordable housing provision from 40% to 10%.

- 7.3 National Planning Policy Guidance (NPPG) states that *'in making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations'*. In the circumstances, it is contended that it would be unreasonable of the local planning authority to not voluntarily renegotiate the terms of the agreement in accordance with s106A (1) of the Act if the amendments are justified.
- 7.4 The applicant's proposed changes to the terms of the legal agreement are significant. National planning policy seeks to significantly boost the supply of housing and notes that housing applications should be considered in the context of the presumption in favour of sustainable development. This is particularly notable in cases where Councils cannot demonstrate a 5 year housing land supply. However, national planning policy also requires local planning authorities to plan for a mix of housing to appropriately meet local needs and demands, including affordable housing. This policy approach is echoed in the Development Plan, where Policy DM41 requires proposals for more than 10 dwellings in the rural areas to provide 30% affordable housing on site and up to 40% on greenfield sites. Local planning policy (DM41 and the supporting SPD: Meeting Housing Needs) does, however, recognise that the scale of planning obligations, in particular affordable housing, can in certain circumstances have a potentially negative impact on development viability.
- 7.5 To support the applicant's changes a viability appraisal has been submitted for consideration. The local planning authority has subsequently appointed an independent consultant to review the applicant's viability appraisal (to the cost of the applicant). Our consultant has reviewed the appraisal and the key assumptions therein and has confirmed that the site is capable of providing an affordable housing contribution of 40% in accordance with the Development Plan, contrary to the applicant's submission. Despite the increased abnormal costs put forward by the applicant and subsequently adopted as part of our consultant's appraisal (albeit with the right to examine these costs further if necessary alongside a Quantity Surveyor), with modest changes to the assumptions relating to the gross development value (GDV), disposal fees and the duration of development (affecting development finance costs), the development as approved (with 40% affordable housing) appears to remain a viable proposition.
- 7.6 From this assessment it is apparent that delivering 40% affordable housing on site based on the tenure mix set out in paragraph 1.1 of the Third Schedule is at the lower end of what would be regarded an acceptable developer's return (profit). Paragraph 173 of the NPPF makes it clear that to enable the delivery of development there must be a competitive return to a willing landowner and willing developer. The margin for developer profit can vary but is typically between 18-22%. The developer's return should reflect the market at the time of assessment and include risks attached to a specific scheme. In very simply terms – a less risky scheme may attract a lower profit margin. In this case, our consultants assessment indicates that 40% affordable housing could be provided with a develop profit of 18%. This is based on the delivery of 8 affordable units, of which 4 would be intermediate and 4 social rented. This would accord with the terms of the existing legal agreement.
- 7.7 Whilst the profit level is close to the minimum a developer would expect, it is noted that this was the applicant's expectation as the profit was set at 18% in their own viability submissions.
- 7.8 Overall, based on the viability information submitted and our assessment of this, the applicant has not sufficiently justified the reduction from 40% to 10% affordable housing provision on site. As a consequence, the applicant's proposed amendments to paragraph 1.1 of the third schedule are not accepted.
- 7.9 The proposed variation to Paragraph 2 of the Third Schedule to allow occupation of not more than 9 market dwellings prior to payment is acceptable. This amendment can be supported but would need to be executed as a deed.

### **8.0 Planning Obligations**

- 8.1 Paragraph 1.1 of the Third Schedule shall remain as existing with this element of the obligation continuing to have effect without modification.

Paragraph 2 of the Third Schedule to be **revised** to allow no more than 9 market dwellings to be occupation before payment of the Education Contribution.

### **9.0** **Conclusions**

- 9.1 The existing legal agreement associated with planning permission 15/01167/FUL shall continue to have effect without modifications to the affordable housing provision on the basis that the submitted viability evidence, which has been reviewed and tested by an independent consultant on behalf of the local planning authority, is not considered sufficiently robust or compelling to accept a reduction to the provision of affordable housing. The trigger for the education contribution raises no fundamental issues and is accepted. A Deed of Variation will need to be entered into to permit the changes to Paragraph 2 of the Third Schedule.

### **Recommendation**

That in respect of the proposal to vary the legal agreement attached to the grant of planning permission:

- (i) The proposed changes to Paragraph 1.1 of the Third Schedule to reduce the affordable housing provision from 40% to 10% is **refused**; and,
- (ii) The changes to Paragraph 2 of the Third Schedule to “no more than 9 market dwellings to be occupied prior to the payment of the Education Contribution” is **permitted** subject to a Deed of Variation to this effect.

### **Background Papers**

None

| Agenda Item<br>A10   | Committee Date<br>3 April 2017   | Application Number<br>17/00022/FUL |
|--|--|------------------------------------|
| <p align="center"><b>Application Site</b></p> <p align="center">Land Bounded By<br/>Chatsworth Road, Albert Road, Balmoral Road And<br/>Regent Road<br/>Morecambe<br/>Lancashire</p> | <p align="center"><b>Proposal</b></p> <p>Refurbishment and conversion of nos. 38, 42, 50, 54 and 56 Chatsworth Road, nos. 76 and 82, 84 and 86 Regent Road, nos. 51 to 57, 61, 67 and 69 Balmoral Road and nos. 77 to 87 (odds only) and 91 Albert Road comprising selective demolition, selective reconfiguration of internal floor spaces, selective elevational alterations including installation of rear balconies, and selective changes of use from houses in multiple occupation (C4), hotel/guesthouses (C1) and retail unit (A1) to provide 1 letting office (A2) and 45 residential houses, apartments and maisonettes (C3) with associated landscaping and installation of gates</p> |                                    |
| <p align="center"><b>Name of Applicant</b></p> <p align="center">Mr David Lynch</p>  | <p align="center"><b>Name of Agent</b></p> <p align="center">-</p>   |                                    |
| <p align="center"><b>Decision Target Date</b></p> <p align="center">20 April 2017</p>  | <p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>   |                                    |
| <p><b>Case Officer</b></p>   | <p>Ms Charlotte Seward</p>   |                                    |
| <p><b>Departure</b></p>  | <p>No</p>  |                                    |
| <p><b>Summary of Recommendation</b></p>  | <p>Approval</p>  |                                    |

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

- 1.1 The application site is bordered by Chatsworth Road to the north-west, Albert Road to the north-east, Balmoral Road to the south-east and Regent Road to the south-west. This street block forms part of the grid-pattern that characterises this area of Morecambe's West End.
- 1.2 The residential properties are terraced and characteristic of the 1920s seaside Victorian housing. The residential units are large houses and many have been subsequently subdivided into Houses in Multiple Occupation (HMO), Flats or Bed and Breakfast Accommodation.
- 1.3 Rear alleyways provide access to the rear of the properties which are dominated by the large outriggers and backyards enclosed by high walling and fencing. Many of the properties are vacant and in poor condition. The rear alley ways are often littered and can be prone to anti-social behaviour.
- 1.4 The existing site consists of 59 residential units comprising a mix of HMO units, flats, houses and two guest houses.

## **2.0 The Proposal**

- 2.1 The proposed development seeks to reconfigure and refurbish the properties to deliver high quality housing for private rental which meets a need for family homes within the Morecambe area and delivers an improved streetscape. This proposal is Phase 1 of the Place First West One

Development. Phase 1 to re-develop the Westminster-Albert-Chatsworth-Regent Road block was completed following planning permission 13/01237/FUL granted in March 2014. Phase 2 has been considered to be success in improving the streetscape and providing popular rental housing accommodation.

2.2 Internally, the existing units would be reconfigured to provide 45 homes, including:

- 21 Two Bed Apartments
- 3 Three Bed Apartments
- 6 Three Bed Duplex
- 2 Four Bed Apartments
- 4 Four Bed Duplex
- 2 Three Bed Houses
- 6 Four Bed Houses
- 1 Five Bed House

2.3 The key external changes include the selective partial or full demolition of rear outriggers and single storey extensions to reduce the size of the residential units and to provide for an increased rear external amenity area. In addition 4 properties on Balmoral Road are proposed to have first floor rear roof garden/balconies. The rear alleyways, which are currently public highway, will be stopped up to create a private space and prevent public access through the site via locked gates. The alleyways will be resurfaced including a mixture of surfacing materials.

2.4 The roofing, stone facing, render, stone bays, windows and doors surrounds will be refurbished including cleaning, repair and replacement where appropriate. The windows, doors, rainwater goods, and fascias will be replaced and made consistent. The basement windows will be bricked up and rendered. The front boundary walls will be repaired and railings replaced. Rear boundary walls will be replaced, made a consistent height and rendered.

**3.0 Site History**

3.1 Planning permission was granted in March 2014 for refurbishment, conversion and reconfiguration of the Westminster-Albert-Chatsworth-Regent Road block (Ref: 13/01237/FUL – see table below). This was Phase One of the Place First West One Development, which has been acclaimed both locally and nationally as delivering quality private rental to the Morecambe housing market and delivering an improved street scene. The current application forms Phase 2.

| Application Number | Proposal   | Decision                       |
|--------------------|--|--------------------------------|
| 13/01237/FUL       | Refurbishment of 41-61 (odd numbers only) Chatsworth Road; 61-75 (odds only) Albert Road; 58-84 (evens only) Westminster Road; and 60-74 (evens only) Regent Road, comprising selective demolition (including 43A Chatsworth Road), selective reconfiguration of internal floor spaces, selective elevational improvements, selective single storey rear extensions and selective changes of use from houses in multiple occupation (C4), hotel/guesthouses (C1) and office space (B1a) to provide 51 residential houses, apartments and maisonettes with associated alterations to access arrangements, car parking and landscaping | Approval subject to conditions |

**4.0 Consultation Responses**

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

| Consultee       | Response  |
|-----------------|---|
| County Highways | <b>Comments</b> – Further information regarding the back street highway improvement works is required. The rear alleyways are within the public highway and would |



|   |   |
|---|---|
|   | require a stopping up order to facilitate the closure to public access. Recommend conditions, including a scheme for off-site highway improvements for the publicly-maintained footway; reinstatement of the public footway (where affected by the development); and a Construction Traffic Method Statement.   |
| <b>Lancashire Constabulary</b>                    | <b>No objections.</b> Recommend a number of security measures.  |
| <b>Lancaster Fire &amp; Rescue Service</b>        | <b>Comments</b> – Scheme should fully meet all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.  |
| <b>Lancashire Archaeological Advisory Service</b> | <b>Comments</b> – Welcomes the development as opposed to demolition and rebuild. 54 Chatsworth Road is of interest and was considered for Listing status in 2008 by English Heritage (not granted). The Listing Visit Report confirms the existence of significant internal features. LAAS advise that a detailed refurbishment schedule of Number 54 should be obtained, and also perhaps a photographic record.   |
| <b>Property Services (City Council)</b>           | <b>Supported</b> – The City Council owns the freehold interest in all the properties and land in question. From an estate management perspective the application for redevelopment is supported (as is the transfer of properties to PlaceFirst).   |
| <b>Housing Strategy Team (City Council)</b>       | <b>Supported</b> – Notes the success of Phase One providing significant regeneration benefits to West End of Morecambe and helping to diversify and provide quality within the local housing offer. The proposed mix of properties will provide a good range of high quality housing which will help to address current housing market imbalances and build on the regeneration of the area. Schemes in this location are not required to contribute to affordable housing. |
| <b>Regeneration (City Council)</b>                | <b>Supported</b> – The proposal will address poor condition properties through a facelift. The problematic back streets will be transformed in security and amenity through the stopping up as seen in Phase One.   |
| <b>Conservation Officer (City Council)</b>        | <b>Comments</b> – The proposed refurbishments to the principal elevations would upgrade the properties and return lost features which will retain character and links with the past. In view of the history of 54 Chatsworth Road it is requested that original features still present be retained as part of the refurbishment.  |
| <b>Tree Officer (City Council)</b>                | <b>No objection in principle</b> , subject to conditions for a scheme for tree planting, tree works schedule and a tree protection plan.  |
| <b>Natural England</b>                            | <b>No comment</b>   |
| <b>LLFA</b>                                       | <b>No comment</b>   |

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report there had been no comments received in response to the neighbour consultation.

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

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

- Paragraph 12 and 14 – Presumption in favour of Sustainable Development
- Paragraph 17 – Core Principles
- Section 4 (paragraphs 29 – 41) – Promoting sustainable transport
- Paragraph 51: Empty Housing
- Paragraphs 56, 58, 61, 64 – Good Design
- Paragraph 69 – Promoting healthy communities
- Para – 203 and 206 – Use of planning conditions

6.2 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 Requirement
- SC5: Quality in Design

### 6.4 Development Management Development Plan Document (DPD)

- Policy NPPF1: Presumption in Favour of Sustainable Development
- DM20: Enhancing Accessibility and Linkages
- DM22: Vehicle Parking Provision
- DM28: Development and Landscape Impact
- DM35: Key Design Principles
- DM44: Residential Conversions
- Appendix E: Flat Conversions

## **7.0 Comment and Analysis**

7.1 The main considerations in determining this application are:

- Principle of regeneration of the properties;
- Housing Mix;
- Design and Amenity;
- Transport and Highway Matters; and
- Landscaping.

### 7.2. **Principle of regeneration of the properties**

7.2.1 This proposal forms the second phase of a developer-led scheme to address the cluster of empty homes and achieve the regeneration objectives in the West End of Morecambe and Morecambe in general. The success of Phase One is demonstrative of how the internal reconfiguration and external works, together with the management of the units by PlaceFirst has delivered a significant upgrade to the appearance and quality of the buildings, helping to restore the Victorian terrace buildings to their former condition, whilst also delivering housing which meets modern demands and are popular to live in.

7.2.2 As with the original properties in Phase One, the existing residential units are in poor condition and are vacant. The refurbishment and reconfiguration of the existing properties would result in an improvement to the condition of the buildings and restore the appearance and character of the streetscape to the benefit of current and prospective residents and to the surrounding area. The reduction in empty homes would have associated benefits.

7.2.3 This proposal would help to achieve the Council's Empty Homes Strategy and satisfy many of the aims within the original Morecambe West End Masterplan. In addition, although the site falls outside

of the Morecambe Area Action Plan (MAAP), the proposal would help to achieve a number of its objectives which include: providing a stronger housing market with better housing; improving the condition and assuring the quality and appearance of buildings; streets and spaces and helping to address the acute deprivation within this area by reducing number of vacant homes.

7.2.4 Clearly this proposal has the potential to deliver significant sustainability and regeneration benefits and will help to preserve and enhance local character. This together with reducing the number of vacant homes will have an overriding positive contribution to the Morecambe West End.

### 7.3 **Housing Mix**

7.3.1 The proposed development would see 21 buildings reconfigured to deliver 45 homes. These will consist of 26 Apartments (21 x Two Bed, 3 x Three Bed and 2 x 4 Bed), 10 Duplexes (6 x Three Bed Duplex and 4 x Four Bed) and 9 houses (2 X Three Bed, 6 X Four Bed and 1 x Five Bed).

7.3.2 The Council's Empty Homes Strategy and Housing Strategy and Action Plan 2012-2017 identifies addressing cluster of vacant houses and Houses in Multiple Occupation (HMOs) as a key regeneration priority for Morecambe West End, and for new residential development to meet housing needs of Morecambe and not exacerbate the problem of oversupply in particular dwellings. The Development Management DPD echoes this by identifying HMOs within Morecambe as having resulted in negative impacts on the character and amenity of the area.

7.3.3 The Meeting Housing Need SPD identified a need for detached predominately 4 bed plus size family homes for the Morecambe housing market area. For the social rented market need was identified for predominately 2 bed flats/maisonettes, some supported housing, semidetached and terraced. The Council's Housing Strategy Team has confirmed that the mix of properties proposed provides a good range of housing accommodating the needs of a wide breadth of demographic groups in need of private rented properties within the District including families, couples and single people.

7.3.4 In direct accordance with these strategies and plans, this proposal would see the removal of HMOs from this block and see the delivery of larger family homes and 2 bed units in a balanced mix of houses, apartment and duplexes. This would help to provide a better balance of housing units to Morecambe's West End.

### 7.4 **Design and Amenity**

7.4.1 The design of the scheme seeks to restore the original buildings back to their original quality and character. The external works will repair and restore the stone facing, the stone window surrounds and the roof. It would see new windows, doors, eaves and rainwater goods installed helping to smarten and bring consistency to the properties. The repairs and railings to the garden area will also help to restore the character of the front gardens to a more original style. To the rear of the properties the reduction of the rear outriggers and the removal of single storey extensions would help to provide a more open aspect between properties and to enable the provision of increased areas of external amenity and for bin storage. The rendered rear garden walls, together with the lane resurfacing, planters and landscaping proposal will help to provide more security and better visual amenity. A *Proposed Material Palette Specification* has been provided and the implementation of the scheme in accordance with these details will be required by condition.

7.4.2 Appendix E of the Development Management DPD sets out the standards for the conversion of larger properties to residential flats. This includes requirements for internal and external standards. Internal standards require the following space requirements; Lounge 11.1sqm, Main Bedroom 10.2sqm, Second Bedroom 4.7sqm, Kitchen 5.6sqm and Bathroom 3.7sqm and External amenity 9.3sqm.

7.4.3 The amended Residential Accommodation Schedule submitted provides a comparison of each proposed residential unit against the requirements of Appendix E. 40 of the proposed 45 residential units meet the required internal standards. Five of the proposed units have one room which is less than the required size and therefore does not meet internal standards;

- 56C Chatsworth Road main bedroom is -0.3m<sup>2</sup>
- 50 and 42 Chatsworth Road main bedroom is -0.9m<sup>2</sup>

- 50A and 42A Chatsworth Road bathroom is -0.1m<sup>2</sup>

- 7.4.4 The scheme would deliver improved quality of housing which meets the required standards for internal space in all but 1 room in 5 separate properties. Furthermore, where space has been compromised this has been relatively minor. Whilst the amenity of these properties will be affected by the identified space constraints, given the nature of the constraints of the existing properties and the overall benefit that the scheme will bring through the re-use of previously vacant properties, on balance the minor deviation from policy can be considered acceptable.
- 7.4.5 Appendix E requires a minimum of 9.3sqm external amenity space. There are 12 of the proposed dwellings which do not have access to external amenity space. 33 of the 45 proposed dwellings have access to external amenity area. 31 of these properties exceed the minimum required space which range from 12m<sup>2</sup> to 90m<sup>2</sup> (4 of these properties' external amenity space includes the proposed second floor balconies). Two of the dwellings have an external space of 6.5m<sup>2</sup>, 2.5m<sup>2</sup> less than the requirements.
- 7.4.6 The provision of external amenity areas has been determined by the constraints of the existing building and outdoor space, together with the need to deliver a range of residential units from the internal space available. Whilst this proposal does not meet the required standards for external space on a significant number of units the proposal is providing a communal rear access which will be free from traffic and will be of improved safety. In addition the removal of the rear outriggers has created more useable rear gardens which together will make for a much improved quality of external space. In addition residents will be in walking distance of Regent Park and Morecambe Promenade.
- 7.4.7 Appendix E of the Development Management DPD requires that bin storage areas shall be provided for the occupants of all units. In exceptional circumstances provision may be made at the front of the premises subject to adequate space being available and the provision of satisfactorily designed containers.
- 7.4.8 The proposed scheme shows a strategy for bin storage. For the properties on Regent Road a communal bin storage area will be provided at the rear. For the properties on the corner of Regent Road and Chatsworth Road a communal storage area would be provided to the front of 56 Chatsworth Road which will be enclosed from view. 54 Chatsworth Road and 79-85 Albert Road will have their bin storage in the rear gardens. For the remaining properties the ground floor units will have their storage in the rear gardens with the upper floor units having space provided in the front garden area.
- 7.4.9 The scheme has sought to provide storage to the rear where possible, but due to the layout of the proposed dwellings bin storage at the front of the properties is considered to be the only available practicable option. Where the bins are proposed at the front these will be contained within the front yard which will prevent this from spilling onto the footway. As such it is considered that the proposed represents an acceptable arrangement for storage.
- 7.4.10 Following concerns in relation to the proposed refuse access routes in relation to the proposed planters, the plans have been amended to remove the planters from the scheme to ensure that there is maximum permeability of the rear alleyways.
- 7.4.11 A Proposed Lighting Plan has been provided showing the location of lighting units close to the doors on the principal elevations and adjacent to the garden access gates on the rear garden boundary walls. The proposed scheme would likely provide for an appropriate amount of light for access and security purposes. From the information provided it is not clear what the lighting units would look like and what the luminance levels would be. These details can be secured by condition.
- 7.4.12 In summary, this proposal would result in the upgrade of the appearance and quality of the buildings and provide for high quality new homes for rent which are generally compliant with the space requirements for conversions. The resulting properties will have an attractive traditional character and have an improved rear courtyard which will have more natural light, larger areas of green landscaping and will be of enhanced security. Whilst a number of properties will have no external amenity access, the proximity of houses to a park and a promenade mitigate for this lack of compliance. The scheme has been well thought out in relation to bin storage and lighting.

7.5 **Neighbour Residential Amenity**

- 7.5.1 In accordance with policy, the conversion of any property must be designed to safeguard/minimise any impacts upon neighbouring residents. Assessment needs to take into account the private dwellings that fall outside of this scheme and the relationship between the new units that are proposed.
- 7.5.2 The residential amenity of the properties in relation to each other and the dwellings in private ownership, that do not form part of this scheme, will be changed by the reduction in the scale of the outriggers and single storey extensions at the rear. This will change the outlook from some non-principle windows having the potential to increase natural light to windows and give a greater sense of openness. This together with the closing up of the rear alley ways by security gates and the landscaping proposed would lead to a more pleasant and safe rear outdoor amenity spaces.
- 7.5.3 The element of the proposal which has the potential to affect residential amenity is the introduction of balconies for the first and second floor duplexes at 55, 57, 67 and 69 Balmoral Road. The intention behind the balconies is to provide external amenity space for these 4 properties. The balconies would be 6m above the ground access from the first floor level stair well and would provide 11.84m<sup>2</sup> of outside area.
- 7.5.4 Following concern in relation to overlooking of the rear gardens and windows of the properties within the scheme and the privately owned properties, the applicant provided additional information in relation to the allocation of the ground floor rear gardens and side elevation drawings to show how the balconies relate to adjacent properties.
- 7.5.5 The introduction of privacy screens to the side elevations would help to reduce sideways views into adjacent property windows. Forward views from the balconies would still be possible towards neighbouring property gardens and windows, but it is considered that these would not be of a level which would result in harm to the privacy of properties within the scheme or those that are privately owned. Additionally, the scheme has been amended to flip the properties which have the rear access to ensure that the external stairwell is located to avoid potential views into the neighbouring privately owned properties that do not form part of this scheme.
- 7.5.6 In addition, the further information provided, clarified that the rear gardens will be part allocated to two properties. For 67 and 69 Balmoral Road the rear garden area will be split between the ground floor apartment and the 4 bed duplex at 69. For 55 and 57 Balmoral Road the rear garden area will be split between the 4 bed ground floor apartment and the 4 bed duplex at 55 Balmoral Road. Whilst this arrangement would result in a degree of overlooking of the garden areas from the balconies, this division of the gardens and relationship to the balconies will be such that no property would be unduly affected.

7.6 **Transport and Highway Matters**

- 7.6.1 The proposed development would see the continuation of the properties having access only to on-street parking. Although some off-street parking was able to be provided within the design for Phase One, it is not possible to provide off-street parking within Phase 2 due to the number of properties in private ownership restricting the changes that can be made to the rear alleyways and gardens.
- 7.6.2 County Highways has confirmed that due to the nature of the application being refurbishment of terraced properties they will accept continued on-street parking on surrounding lengths of public highway. This advice is on the basis that the site has a high level of accessibility with any potential residents of the development having access to a range of community services, public transport and employment opportunities without being wholly reliant on the use of private vehicles.
- 7.6.3 County Council also draws attention to the need for the rear alleyways to be “stopped up” as they currently are designated public highways and the requirement for the developer to make an application for a stopping up order to the County Council. As this is controlled under separate legislation a condition is not required to ensure its implementation, although an informative could be placed on any permission granted.
- 7.6.4 In addition, comment is made with regards continued access for rear parking access rights, drainage and public lighting, statutory undertaker access and emergency access. The current narrow width,

lack of turning space and condition of the alleyways are such that, even where the properties were not vacant, it would be very unlikely that vehicular access would be practicable/possible. This proposal would therefore not make a material alteration to this existing situation.

- 7.6.5 County Council has also drawn attention to the potential need for the front footway to be dug up to require services to be upgraded and the potential for the stopping up of the cellar windows to affect the footway. The agent has confirmed that the existing front footway would not be affected by the proposal, such that it would be unreasonable to require the developer to carry out a wholesale resurfacing of the footway. County Highways has been made aware of this and have provided an updated response to confirm that no off site highways improvements works will be required where the footway is unaffected.
- 7.6.6 County Highways has advised that where the Council is minded to approve the application the following conditions are requested to be imposed on any permission granted: scheme for off-site highway improvement works for the publically maintained footway, construction traffic management method statement, and reinstatement of public footway. These are addressed in turn below:
- A condition requiring agreement of a scheme for off-site highway improvement works for the publically maintained footway would not meet the test of being “reasonable” and “relevant” as required by the NPPF as no alteration to the footway is proposed.
  - A condition requiring the agreement of a construction traffic management method scheme would not meet the tests of being “necessary” as required by the NPPF as the condition would require compliance with other Health and Safety Legislation which requires that developers must organise a construction site so that vehicles and pedestrians using site routes can move around safely.
  - A condition requiring the reinstatement of the public highways would also would not meet the test of being “reasonable” and “relevant” as required by the NPPF as no alteration to the footway is proposed. If damage were to occur to the footway as a consequence of the proposed works the Highway Authority has separate powers to require the developer to repair it.
- 7.6.7 In summary, the proposed development would not result in any adverse impact on highway safety. The central location of the development means that the lack of off-street parking can be accepted. Although County Highways has proposed the imposition of several conditions, it has been demonstrated that these are either unnecessary or unreasonable and as such no conditions are proposed in respect of highways safety. An informative can be applied to remind the applicant of the requirement to apply of a stopping up order of the rear alleyways under section 247 of the Town and County Planning Act.
- 7.7 **Landscaping**
- 7.7.1 A basic landscaping scheme has been submitted. This scheme would introduce planters in the front and rear gardens, include the planting of trees and the creation of 13 grass gardens. Together these introductions would help to improve the amenity of the streetscene and the rear area to the benefit of the residents introducing colour, texture and natural environment into a scene currently dominated by poor condition buildings and paving. The scheme would involve the loss of a tree but this would be compensated for in the proposed landscaping.
- 7.7.2 The scheme has been amended to remove the originally proposed planters to ensure that access through the rear alleyways is not constrained by the planters. Whilst this represents a loss in terms of the soft landscaping proposed, given the degree of private ownership within this phase 2 as compared to phase 1 this does introduce greater flexibility in the long term for use of these alleyways.
- 7.7.3 Whilst the principle of the landscaping scheme is acceptable, the details need to be agreed through condition. This would include the provision of details of a scheme for the future management of trees, planters and gardens.
- 7.7.4 There are several street trees which are located within the existing footway which contribute to the area’s character and amenity including three on Balmoral Road, one on Albert Road and two on Chatsworth Road. Whilst the proposal does not include any works which will disturb the footway within which the trees sit, the canopies of a number of the trees do come close to the houses within

the development and as such could be affected by the construction and may require works to facilitate the construction works. The protection of these trees can be ensured by a condition to require the agreement of a Tree Works Schedule and a Tree Protection Plan.

### Other Matters

#### 7.8 Conservation Matters

7.8.1 54 Chatsworth Road is the former residence of William Woodhouse and was the first house to be built in what was a rural location on Chatsworth Road. The formerly detached property, known as Kenilcote, had a garden and external workshop, was then made part of the terrace of properties that now exists.

7.8.2 In July 2008 English Heritage undertook an assessment to determine whether the building warranted listing. It was concluded that *“Kenilcote has undergone a number of unfortunate alterations which have diminished its architectural interest. The association with the local artist, William Woodhouse, weakened by these changes and the loss of the studio, is insufficient to merit listing is a national context”*.

7.8.3 Lancashire Archaeological Advisory Service (LAAS) has welcomed that the building is to be retained and notes the result of the assessment carried out by English Heritage in 2008 but requests that that the developer's team consults with the City Council Conservation Team to set out a detailed refurbishment “schedule for this building, to include the retention of as much of the surviving historic elements as practicable and to specify any necessary protection and repair works to that which can be retained. The Conservation Team may also wish to require that a photographic record is made of No.54 'as existing', to complement the plans already drawn up.

7.8.4 The Council's Conservation Officer notes both the advice of the LAAS, the considerable information about the property and the changes that have been made to external features. In light of this it is requested that, if possible, internal original features be retained as part of the refurbishment.

7.8.5 Taking into account the comments of the LAAS and the Council's Conservation Officer it is important to consider that given that this building is not listed and is not within a conservation area, there is no mechanism to control the removal or otherwise of internal features. However, taking into account that the building is currently within the ownership of the Council, a request has been made to the Council's Conservation Officer that a site visit be carried out to make a photographic record of the building and provide advice on any internal features that may exist, and if appropriate provide advice on features of the building which the applicant could consider retaining. The outcome of this investigation and recording exercise will be provided as an update to the Committee meeting.

#### 7.9 Letting Office Provision

7.9.1 The proposals include the creation of an A2 (Financial & Professional Service) Letting Office at 76 Regent Road of 14sq.m. This would bring back into use the currently vacant A1 (Retail) unit. This would be of benefit to the visual amenity and the vibrancy of the area.

7.9.2 The last known use of the unit was for an A1 shop. No information has been provided to demonstrate this or show how long the shop has been vacant for. Although the lawful use of the unit is not certain, the General Permitted Development Order permits change of use from A1 to A2 and from A2 to A1 (where a display window is provided at ground level) without requiring planning permission.

7.9.3 Given the lawful fall-back position at this site the principle of the A2 use can be supported in this location. It is considered that the small size of the unit would ensure that the proposed letting office use and any potential future uses of the unit is unlikely to result in any adverse impact on the residential amenity of the immediately adjacent properties and those surrounded. In this case there is no requirement to remove permitted development rights or impose any conditions.

#### 7.10 Security

7.10.1 Lancashire Constabulary has identified a number of potential planning conditions that would assist with improving the security of this site and the wider area.

7.10.2 Whilst only the basic elements of Secure by Design will be provided as part of this scheme, elements would enhance the wider security of this area, including the closure of rear alleyways from public access and provision of an external lighting scheme. Furthermore the safety of the wider area would benefit from the activation of the streetscene. These measures are considered appropriate and shall be secured via planning condition.

### 7.11 Asbestos

7.11.1 On the permission for Phase One a planning condition required the carrying out of an asbestos survey prior to commencement of development. However the management and control of asbestos is controlled by separate (i.e. non-planning) legislation. The imposition of a planning condition to control this would not meet the test of necessity as set out in the National Planning Policy Framework.

## **8.0 Planning Obligations**

8.1 The Meeting Housing Need SPD sets out the exemptions for the provision of affordable housing in Morecambe West End Masterplan Area. This is because property values are much lower in the West End compared to other parts of the District. As a result there is no requirement for the provision of affordable housing or a commuted sum as part of this proposal.

## **9.0 Conclusions**

9.1 This proposal has the potential to deliver significant sustainability and regeneration benefits and will have an overriding positive contribution to the Morecambe West End in accordance with the Council's strategic regeneration priorities. The success of Phase One is demonstrative of how the internal reconfiguration and external works, together with the management of the units by PlaceFirst has delivered a significant upgrade to the appearance and quality of the buildings, helping to restore the Victorian terrace buildings to their former condition, whilst also delivering housing which meets modern demands and are popular to live in. The design of this proposal is considered satisfactory in relation to housing mix, design and amenity, neighbour residential amenity and transport and highways matters. Initial proposals in relation to landscaping, lighting and security are considered acceptable subject to further details being supplied through condition. The protection of the street trees will be secured by condition.

## **Recommendation**

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

1. Standard timescale
2. Development in accordance with listed plans
3. Tree Protection Plan and Tree Works Schedule
4. Detailed landscaping scheme including tree planting, external lighting and maintenance
5. Scheme to ensure adequate security
6. Materials in accordance with proposed material palette document
7. Provision and retention of privacy screens to balconies
8. Hours of construction

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

In accordance with the above legislation, 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 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   | Committee Date  | Application Number |
|---|---|--------------------|
| A11   | 3 April 2017  | 17/00094/CU        |
| <b>Application Site</b><br>Marshrange<br>Castle Park<br>Lancaster<br>Lancashire | <b>Proposal</b><br>Change of use of ancillary annexe building to use as holiday accommodation |                    |
| <b>Name of Applicant</b><br>Mr Gary Rycroft                                     | <b>Name of Agent</b><br>N/A   |                    |
| <b>Decision Target Date</b><br>5 April 2017                                     | <b>Reason For Delay</b><br>N/A  |                    |
| <b>Case Officer</b>   | Mr Robert Clarke  |                    |
| <b>Departure</b>  | No  |                    |
| <b>Summary of Recommendation</b>  | Approval  |                    |

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, the application has been requested to be reported to the Planning Committee by the Chief Officer of the Regeneration and Planning Service.

**1.0 The Site and its Surroundings**

- 1.1 Marshrange is a large detached Victorian property located on Castle Park in Lancaster. It is set within a generous domestic curtilage of approximately 0.8 acres. The site currently comprises the original dwellinghouse and a detached outbuilding which has recently been granted approval to be used as ancillary accommodation. Both of these buildings feature stone walls underneath slate roofs, and timber windows are installed throughout. The application site is enclosed on all boundaries by substantial random rubble walls that extend down both West Road and Long Marsh Lane, reaching a maximum height of approximately 3.5m. The topography of the site descends in a westerly direction towards the West Coast Mainline which lies to the rear of the property.
- 1.2 The application site is located on Castle Park and is accessed by a driveway located between a row of four pay and display car parking spaces on Castle Park. There are also a number of pedestrian access gates within the boundary wall, whilst a new pedestrian access point on to Long Marsh Lane has recently been approved through application 16/01483/FUL. The property lies at the junction of West Road and Long Marsh Lane. To the northeast of the site lies Lancaster Castle whilst to the south lies Castle Park Mews. Lancaster train station lies to the southwest of the application site.
- 1.3 The property is located within the Lancaster Conservation Area, whilst the dwelling is featured on the 1840 Ordnance Survey map and is considered a non-designated heritage asset and a building that makes a positive contribution to the amenity of the street scene. The property lies within the residential parking permit zone, an advert area of special control and a smoke control area.

**2.0 The Proposal**

2.1 This proposal relates to the change of use of the recently approved ancillary accommodation (which at the time of compiling this report was under construction) into a one bed self-contained holiday let.

**3.0 Site History**

3.1 The Local Planning Authority have received a number of applications relating to this site:

| Application Number | Proposal  | Decision |
|--------------------|---|----------|
| 15/01502/FUL       | Demolition of existing garages and erection of an ancillary studio/bike store                                       | Approved |
| 16/01258/NMA       | Non material amendment to planning permission 15/01502/FUL for the addition and amendment of windows and rooflights | Approved |
| 16/01483/FUL       | Provision of a new pedestrian gate access onto Long Marsh Lane  | Approved |

**4.0 Consultation Responses**

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

| Consultee       | Response   |
|-----------------|--|
| Conservation    | No objection   |
| County Highways | Objection – Due to lack of on-site parking provision and manoeuvring space and possible impacts of ‘overspill’ parking upon the surrounding highway network. |

**5.0 Neighbour Representations**

5.1 One letter has been received raising concerns regarding vehicle parking provision and the proposed development’s impact upon the surrounding highway network.

One letter of support from Marketing Lancashire stating that the proposed accommodation would contribute towards the growth potential of Lancaster’s visitor economy.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

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

- **Paragraphs 7 and 9** Achieving Sustainable Development
- **Paragraph 17** Core planning principles
- **Section 7** Requiring Good Design
- **Section 12** Conserving and Enhancing the Historic Environment

6.2 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 Development Management DPD

**DM13** – Visitor Accommodation

**DM20** – Enhancing Accessibility and Transport Linkages

**DM22** – Vehicle Parking Provision

**DM31** – Development affecting Conservation Areas

**DM32** – The Setting of Designated Heritage Assets

**DM33** – Development affecting Non-Designated Heritage Assets

**DM35** – Key Design Principles

### 6.4 Lancaster District Core Strategy

**SC1** – Sustainable Development

**SC5** – Achieving Quality in Design

## **7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Design; and,
- Highway Implications.

### 7.2 Principle of the Development

7.2.1 The principle of the change of use of this ancillary domestic outbuilding to small-scale visitor accommodation must be assessed against policy DM13 of the Development Management DPD. Furthermore, paragraph 7 of the NPPF, identifies the economic dimension to sustainable development, which involves the planning authority supporting growth and innovation within the District. Paragraph 9 explains that pursuing sustainable development includes improving the conditions in which people live, work, travel and take leisure. Sustainable development includes access to local services, whilst one of the core planning principles seeks to make the fullest possible use of public transport, walking and cycling.

7.2.2 Policy DM13 states that proposals for self-catering accommodation will be acceptable where the site is located within the existing built-up area of Lancaster, Morecambe, Heysham, Carnforth or smaller settlement which provides a sufficient level of basic service provision, preferably on previously developed land.

7.2.3 The property is located on the periphery of Lancaster City Centre within walking distance of public transport services, namely Lancaster train and bus stations, and services within the city centre such as shops and restaurants. Furthermore, the property is located on the boundary of the Lancaster Castle and St Georges Quay tourism opportunity site as designated in the Lancaster District Local Plan. The central location of the development site is considered to be highly sustainable, within close proximity to the services the city centre has to offer, including tourist attractions and transport services. It is considered therefore that the use of the subject property as a holiday let is consistent

with the aforementioned strands of sustainability and will contribute towards the continued vitality and vibrancy of the city centre.

7.2.4 Given the location of the subject building within the domestic curtilage of Marshrange and its close relationship with the existing dwellinghouse, it is prudent to condition the holiday accommodation to be ancillary to the main use of the existing dwelling to ensure that it will not be sold or severed from Marshrange without the prior express consent of the Local Planning Authority. Furthermore, a condition limiting the duration of stay within the accommodation to 8 weeks in any one calendar year is considered reasonable to ensure that the property is properly used as a short-term holiday let.

### 7.3 Design

7.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32.

7.3.2 The siting, scale and design of this structure was established through application 15/01502/FUL and 16/01258/NMA which sought amendments to windows and roof lights. No external alterations are proposed as part of this change of use application, therefore it is not considered that it will result in any impacts to the setting of the Conservation Area nor surrounding Listed buildings that have not already been assessed and deemed to be acceptable. Furthermore, no objections have been received from the Conservation Officer regarding the proposed use change.

### 7.4 Highways

7.4.1 An objection has been received from the County Highways department citing concerns regarding the lack of parking provision within the application site and potential 'overspill' parking onto the surrounding highway network. This concern is also expressed by a neighbour. As it has already been stated, the application site is located within a highly sustainable location with public transport services located within walking distance. Furthermore, the highways surrounding Marshrange are subject to extensive Traffic Regulation Orders, most notably the residential parking permit scheme. Unless using one of the pay and display parking spaces, on street parking in the immediate area is severely restricted. Given the above, it is not considered that a refusal reason based upon potential impacts to the surrounding highway networks is justifiable in planning terms.

7.4.2 With regards to the lack of on-site parking provision and manoeuvring space, as raised by County Highways, the application site benefits from sufficient space to provide parking for at least four vehicles. It is considered that one space would be sufficient to service the holiday let, with the remaining three spaces available for the dwellinghouse. The parking provided is seen to meet the parking standards as set out in Appendix B of the Development Management DPD. It is also considered that sufficient space is provided within the site to allow for manoeuvring of a vehicle in order to access and egress the site in a forward gear.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The site is located within a highly sustainable location within close proximity of the facilities available in Lancaster City Centre including public transport services. Furthermore, the on-site parking provision is considered sufficient to service both the dwellinghouse and the holiday let whilst Traffic Regulation Orders on the surrounding highway network will prevent unauthorised on-street parking in the immediate area. It is concluded therefore that the use of this building as a holiday let can be supported, whilst the objection raised by County Highways is not considered sufficient to provide a justifiable reason capable of being upheld at appeal.

## **Recommendation**

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

1. Standard three year timescale
2. Development in accordance with approved plan
3. Holiday occupancy
4. Ancillary to main use of Marshrange
5. Duration of stay

### **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

|  |   |  |
|--|---|--|
| <p align="center"><b>Agenda Item</b></p> <p align="center">A12</p>   | <p align="center"><b>Committee Date</b></p> <p align="center">3 April 2017</p>  | <p align="center"><b>Application Number</b></p> <p align="center">17/00181/VCN</p> |
| <p align="center"><b>Application Site</b></p> <p align="center">Salt Ayre Sports Centre<br/>Doris Henderson Way<br/>Heaton With Oxcliffe<br/>Lancaster</p> | <p align="center"><b>Proposal</b></p> <p align="center">Erection of an extension, alterations to the main entrance and construction of a jump tower with a briefing cabin (pursuant to the variation of conditions 2 and 3 on planning permission 16/00552/FUL to amend the proposed extension elevations with the addition of louvres)</p> |  |
| <p align="center"><b>Name of Applicant</b></p> <p align="center">Lancaster City Council</p>  | <p align="center"><b>Name of Agent</b></p> <p align="center">Ms Juliet Sakyi-Ansah</p>  |  |
| <p align="center"><b>Decision Target Date</b></p> <p align="center">24 May 2017</p>  | <p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>  |  |
| <p><b>Case Officer</b></p>   | <p>Mr Andrew Clement</p>  |  |
| <p><b>Departure</b></p>  | <p>No</p>   |  |
| <p><b>Summary of Recommendation</b></p>  | <p>Approval subject to conditions</p>   |  |

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, Lancaster City Council is the applicant, and as such the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

1.1 The application site relates to Salt Ayre Sports Centre, owned by Lancaster City Council. The site is located south of Morecambe Road and approximately 40 metres south of the nearest dwellinghouse in Scale Hall Farm residential area. Vehicle access to the site is off Ovangle Road and is shared with the Waste Recycling Centre and ASDA delivery access. The sports centre is to the east of Salt Ayre Landfill site, immediately south of the Lancaster to Morecambe Greenway green corridor, the Lancaster-Morecambe cycle and pedestrian route, and directly north of the River Lune. Salt Ayre is a purpose built sports, fitness and recreation facility, and as such it is a designated Outdoor Sports Facility, with existing provision for three grass sports pitches, a jump tower recently developed through permission 16/00552/FUL, a floodlit athletics track, a 0.8 mile cycle track circuit, 295 space car park and approximately 5,738sqm of internal leisure space.

**2.0 The Proposal**

2.1 Planning permission was granted in July 2016 for the erection of an extension, alterations to the main entrance and construction of a jump tower with a briefing cabin at Salt Ayre Sports Centre. The current application seeks consent to vary conditions 2 and 3 on the consent which relates to the approved plans, more specifically the elevational plans of the single storey extension within the courtyard between the existing sports hall and swimming pool, to create a new community hub, fitness area and spa with a separate pedestrian entrance. Through the varied elevational plans, this application proposes the addition of louvres to the walls, slight alteration to the brickwork pattern and modest change in height of the roof ridge and eaves of this previously approved extension.

### **3.0 Site History**

3.1 The site has a long planning history dating back to 1993 with the construction of an eight lane floodlit athletics track through permission 93/00071/DPA. Various other sporting developments have been granted planning permission, the vast majority between 1993 and 2000, although not all have been developed.

More recently planning permission was granted for the erection of an extension, alterations to the main entrance and construction of a jump tower with a briefing cabin. It is a variation of conditions to this permission, proposing alterations to the approved extension, which is the subject of this application.

| Application Number | Proposal   | Decision  |
|--------------------|--|-----------|
| 93/00071/DPA       | Construction of an eight lane floodlit athletics track   | Permitted |
| 94/01116/DPA       | Erection of second phase of sports centre development comprising swimming pool, projectile hall, minor hall, health suite, caretaker's flat and ancillary accommodation. | Permitted |
| 95/00896/FUL       | Erection of new club house   | Permitted |
| 16/00552/FUL       | Erection of an extension, alterations to the main entrance and construction of a jump tower with a briefing cabin  | Permitted |

### **4.0 Consultation Responses**

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

| Consultee     | Response           |
|---------------|--------------------|
| Sport England | No adverse comment |

### **5.0 Neighbour Representations**

5.1 No observations received to date. Any comments received will be reported verbally at the Planning Committee.

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

#### 6.1 National Planning Policy Framework

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

**Paragraph 17:** Core planning principles

**Section 1:** Building a strong, competitive economy

**Section 7:** Requiring Good Design

**Section 8:** Promoting healthy communities

#### 6.2 Development Management DPD

**DM4:** The Protection of Cultural Assets

**DM12:** Leisure Facilities & Attractions

**DM21:** Walking & Cycling

**DM22:** Vehicle Parking Provision

**DM26:** Open Space, Sports & Recreation Facilities

**DM35:** Key Design Principles

**DM49:** Local Services

#### 6.3 Lancaster District Core Strategy and Local Plan – saved policies

**TO2:** Tourism Opportunity

**SC1:** Sustainable Development

**ER6:** Developing Tourism

**SC5:** (Good Design)

6.4 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.

**7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Scale, Design and Landscape Impact;
- Protection of Recreational Open Space;
- Residential Amenity;
- Highways and Parking;

7.2 Principle of the Development

7.2.1 The principle of the development on this site has already been established by the previous consent. This application seeks consent to some variations to the single storey extension of the approved scheme.

7.3 Scale, Design and Landscape Impact

7.3.1 The developments to the main sports centre building will extend the building floorspace by 540sqm through the single storey extension, measuring 16.5 metres across by 32.7 metres deep. Despite the scale of the increase in floor area, the proposals will appear modest due to the infill location of the single storey extension between the existing sports hall and swimming pool. The proposed dimensions for the eaves height of 3.7 metres and ridge height 4.65 metres will increase the proposed height of the extension by 0.1 metres to the ridgeline with slight lower eaves in comparison to that permitted through the original consent. However, despite the minor alterations to the dimensions of the proposed extension, this is very similar to that already approved, and the extensions to the main sports hall will not project beyond the existing building line, and will still appear inconspicuous and subservient in relation to the existing building.

7.3.2 The development will be constructed with a base of dark blue engineering brick, feature bands of red



facing brickwork breaking up the predominantly smooth faced buff colour brick, with dark grey doors, windows frames and fascia under a goosewing grey colour steel sheet roof. These materials are designed to match the existing north facing elevation of the external walls within the infill area. The proposed additional louvres are to replace the previously approved four external air chilled condenser units, to be mounted to the paving slab and enclosed with a low level timber fence. The proposed louvres are high level, integral to the external walls and in a colour to match the external wall brickwork, which is considered to be a visual improvement and less conspicuous than the ventilation system previously approved. In this visually contained location and constructed in matching materials, it is considered that the proposed extension will integrate with the existing sports hall and raises no design or scale concerns.

7.3.3 Due to the matching materials proposed, existing landscaping and visually contained location of developments, the proposal is considered to have an acceptable landscape and visual impact. The development is considered to be consistent with Policy DM35 and NPPF Section 7.

### 7.4 Protection of Recreational Open Space

7.4.1 The proposed variation of conditions only affects the single storey extension, which was previously a disused courtyard area between the existing sports hall and swimming pool, and had no previous recreational nor sporting use. Sport England returned no adverse comment, and the principle of the development has already been established through the original permission. The proposed extension will have negligible impact upon recreational open space.

### 7.5 Residential Amenity

7.5.1 The proposed single storey extension is located approximately 40 metres south of the nearest residential dwelling. The Lancaster to Morecambe Greenway green corridor, cycle and pedestrian route is located between the proposed development and nearest residential properties, which provides an existing visual and acoustic barrier of two lines of trees, protecting the residential amenity of the properties to the north. Whilst Environmental Health returned no comment to the original permission, the proximity of the single storey extension to the residential area means that an hours of construction condition is necessary and should be retained. The condition restricting the hours of floodlight use, included on the original permission, should also be retained to ensure no detrimental implications upon the residential amenity of the area.

### 7.6 Highways and Parking

7.6.1 No changes are proposed to the existing access and parking arrangements, with vehicles entering the site along Doris Henderson Way off Ovangle Road, and has a parking provision of 295 vehicle spaces. The site is accessible on foot and by bicycle due to the close proximity to the Lancaster to Morecambe Greenway, and via public transport with bus stops at the adjacent ASDA site and along Morecambe Road. Despite the increase in floor area, which has already been approved through the original permission, the use and increased scale is still within the maximum parking provision, and the proposal is considered to have no detrimental impact upon the public highway, compatible with policies DM21 and DM22.

## **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 development will have no detrimental impact on highways or residential amenity subject to construction and floodlight hours. The proposal will improve the sports and recreation provision of the sports centre. Although the proposed development will be visible from within and outside the application site, due to the existing vegetation and matching materials proposed, it is considered that the development will have an acceptable landscape and visual impact, and there is sufficiently separation from the nearest heritage assets as to not adversely affect their setting. Therefore the application can be supported.

## **Recommendation**

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

1. Development to be carried out in accordance to approved and amended plans and details
2. Materials to match – brickwork of extension
3. Hours of construction 08.00-18.00 Mon-Fri, 08.00-14.00 Sat
4. Floodlight Hours 08:00-22:00

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

In accordance with the above legislation, 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 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.

## **Human Rights Act**

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

## **Background Papers**

None

## LIST OF DELEGATED PLANNING DECISIONS

## LANCASTER CITY COUNCIL

| APPLICATION NO | DETAILS   | DECISION              |
|----------------|---|-----------------------|
| 16/00221/OUT   | Land North Of, 13 Main Street, Warton Outline application for the erection of up to 5 dwellings and creation of a new vehicular access for Mr & Mrs P Goldsworthy (Warton Ward 2015 Ward)   | Application Permitted |
| 16/00850/FUL   | 7 Kirklands, Hest Bank, Lancaster Erection of a two storey side extension incorporating a canopy to the front and a Juliet balcony to the rear for Mr A. Baxter (Bolton And Slyne Ward 2015 Ward)                                   | Application Permitted |
| 16/01161/FUL   | Cotestones Farm, Sand Lane, Warton Erection of an agricultural livestock building for Mr Paul Barker (Warton Ward 2015 Ward)  | Application Permitted |
| 16/01182/OUT   | Land At, 2 Hall Garth Close, Hall Garth Gardens Outline application for the erection of one dwelling and diversion of culvert for Mr H Nicholson (Kellet Ward 2015 Ward)  | Application Permitted |
| 16/01235/FUL   | Land At The End Of , Laureston Avenue, Heysham Erection of four detached and two pairs of semi-detached two-storey dwellings and garages with associated access for Mac NW Homes (Heysham South Ward 2015 Ward)                     | Application Permitted |
| 16/01274/VCN   | Stud Farm Park Homes, Oxcliffe Road, Heysham Use of land for caravan park (pursuant to the variation of condition 2 planning permission 00/00007/FUL to allow all year round occupancy) for Mr James Robb (Westgate Ward 2015 Ward) | Application Permitted |
| 16/01281/FUL   | Walkers In The Field, Scriffen Lane, Ellel Erection of an agricultural building for Mr James Park (Ellel Ward 2015 Ward)  | Application Permitted |
| 16/01322/FUL   | 30 Lister Grove, Heysham, Morecambe Erection of raised decking area for Mr Matthew Catlow (Heysham South Ward 2015 Ward)  | Application Permitted |
| 16/01401/FUL   | 37 Wordsworth Avenue, Bolton Le Sands, Carnforth Erection of a part single and part 2 storey rear extension for Mr & Mrs S.J. Huckle (Bolton And Slyne Ward 2015 Ward)  | Application Permitted |
| 16/01430/OUT   | The Brooklands, Pine Lodge And Rosewood, Kirkby Lonsdale Road, Halton Outline application of the demolition of 3 dwellings and erection of 3 replacement dwellings for Mr Peter Gott (Halton-with-Aughton Ward 2015 Ward)           | Application Withdrawn |
| 16/01434/FUL   | Tudor Grange, Hornby Road, Wray Enclosure of first floor balcony with construction of pitch roof and glazing. for Mr Harry Lea (Lower Lune Valley Ward 2015 Ward)   | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

|              |   |                       |
|--------------|---|-----------------------|
| 16/01448/CU  | Laburnum House, Laburnum Barn, North Road Change of use from a garage to a 3 bedroom dwelling (C3) for Mr Andrew Wilde (Carnforth And Millhead Ward 2015 Ward)  | Application Permitted |
| 16/01458/FUL | 6 Hatlex Hill, Hest Bank, Lancaster Erection of an attached garage with first floor storeroom above for Mr & Mrs R. Scarr (Bolton And Slyne Ward 2015 Ward)   | Application Permitted |
| 16/01473/FUL | 10 - 12 Penny Street, Lancaster, Lancashire Change of use of first and second floor gymnasium (D2) to 13 one-bed studios for student accommodation (C3) for Mr Steve Ashby (Castle Ward 2015 Ward)  | Application Permitted |
| 16/01500/FUL | Gabriel Cottage, Coneygarth Lane, Tunstall Retrospective application for the erection of single storey extensions to the north, east and west elevations, conversion of existing store and barn to form self-contained residential annexe, erection of 4 sheds, pergola and construction of walls and gates for Mr J Wilkinson (Upper Lune Valley Ward 2015 Ward)   | Application Permitted |
| 16/01501/LB  | Gabriel Cottage, Coneygarth Lane, Tunstall Listed Building application for the retention of internal and external alterations including the erection of single storey extensions to the north, east and west elevations, construction of external walls, gates and railings, insertion of four new windows and two external doors, insertion of partition wall, blocking up and creation of internal openings, replacement of slates to part of the west elevation, replacement staircase, new rainwater goods, satellite dish and aerial, replacement lintels, external lighting, removal of render, repointing of elevations and installation of underfloor heating for Mr J Wilkinson (Upper Lune Valley Ward 2015 Ward) | Application Permitted |
| 16/01509/FUL | 1 First Terrace, Sunderland Point, Morecambe Demolition of single storey boathouse and erection of a single storey ancillary annex in association with 1 First Terrace for Mrs Christine Thompson (Overton Ward 2015 Ward)  | Application Permitted |
| 16/01510/FUL | 4 Princes Crescent, Morecambe, Lancashire Change of use of offices (B1) to a takeaway (A5) and installation of a ventilation duct to rear for Ms Kay Murray (Bare Ward 2015 Ward)   | Application Permitted |
| 16/01516/FUL | 2 Broadacre, Caton, Lancaster Erection of single storey rear extension and construction of a dormer extension to the rear elevation for Mr P Kelly (Lower Lune Valley Ward 2015 Ward)   | Application Permitted |
| 16/01536/OUT | Land To The Rear Of, Taps On The Green, 77 Kellet Road Outline application for the development of 8 residential dwellings with creation of an access for Provincial Hotels and Inns (Carnforth And Millhead Ward 2015 Ward)   | Application Permitted |
| 16/01544/RCN | Lancaster Volkswagen, Vickers Way, Heaton With Oxcliffe Alterations, refurbishment and extension of existing motor vehicle dealership to form larger vehicle showroom and new bodyshop facilities (pursuant to the removal of conditions 7, 8 and 9 on planning permission 12/01130/FUL to exclude the construction of a footpath) for Cox Motor Group (Westgate Ward 2015 Ward)  | Application Refused   |

## LIST OF DELEGATED PLANNING DECISIONS

|              |   |                       |
|--------------|---|-----------------------|
| 16/01550/VCN | 3 George Street, Lancaster, Lancashire Creation of one residential flat in upper floors of retail unit (pursuant to the variation of conditions 2 and 5 on planning permission 07/00966/CU to change the unit from a 2-bed flat to a 3-bed flat) for Mr Brian Scott (Castle Ward 2015 Ward)   | Application Permitted |
| 16/01564/VCN | Land North Of Inglenook, Aldcliffe Road, Lancaster Erection of 6 dwellings with associated access and landscaping (pursuant to the variation of condition 2 and 7 on planning permission 16/01033/VCN to amend the landscaping details and surface material for the site access serving plots 4, 5 and 6) for Mr Michael Stainton (Scotforth West Ward 2015 Ward) | Application Permitted |
| 16/01573/FUL | The Co-operative Food, Market Street, Carnforth Installation of a replacement roof, gates, doors and ATM surround, installation of new plant equipment and alteration to car park to create additional parking space for Co-op Food Group (Carnforth And Millhead Ward 2015 Ward)   | Application Permitted |
| 16/01590/FUL | Box Tree, Ravens Close Road, Wennington Change of use of land for siting of 4 holiday chalets, erection of a detached building to house a biomass boiler and flue pipe and retention of play area for Mr Ian Armour (Upper Lune Valley Ward 2015 Ward)  | Application Withdrawn |
| 16/01608/VCN | Land To The Rear Of Burr Tree Cottage, Long Level, Cowan Bridge Erection of 18 dwellings with associated access and parking (pursuant to the variation of conditions 2, 7 and 8 to allow changes to elevation and roof details, and material type and colour)<br><br>for Applethwaite Limited (Upper Lune Valley Ward 2015 Ward)                                  | Application Permitted |
| 16/01615/CU  | Bambers Cottage, Bambers Farm, Moss Lane Change of use of agricultural land to form private sand paddock and erection of building to provide private stables and storage of agricultural machinery for Mrs CAROL WADSWORTH (Ellel Ward 2015 Ward)   | Application Permitted |
| 16/01618/FUL | 7 Winder Garth, Over Kellet, Carnforth Demolition of existing garage and single storey side and rear extension and erection of replacement garage and single storey side and rear extension for Mr Butler & Ms Croker (Kellet Ward 2015 Ward)   | Application Permitted |
| 16/01623/FUL | Pointer House, Garstang Road, Cockerham Demolition of existing garage and porch, erection of two storey extensions to the front, side and rear, single storey rear extension and raised rear deck landing area for Mr C And Dr V Moran (Ellel Ward 2015 Ward)   | Application Permitted |
| 16/01626/FUL | 2 Wyre Close, Morecambe, Lancashire Erection of a two storey side extension incorporating the conversion of garage into a habitable room for Mr & Mrs Bagis (Skerton West Ward 2015 Ward)   | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

|              |   |                       |
|--------------|---|-----------------------|
| 17/00002/DIS | Ashton Memorial, Williamson Park, Wyresdale Road<br>Discharge of conditions 3, 4, 5, 6, 7 and 8 on approved application 16/00824/LB for Ms Sarah Price (John O'Gaunt Ward 2015 Ward)  | Initial Response Sent |
| 17/00004/DIS | Red Court Caravan Park, Lancaster Road, Carnforth<br>Discharge of conditions 3, 6, 7, 9 and 10 on approved application 16/00569/FUL for Mr Sefa Amese (Carnforth And Millhead Ward 2015 Ward)   | Initial Response Sent |
| 17/00007/FUL | Launds Field, Stoney Lane, Galgate<br>Demolition of outbuilding and erection of a 2-bed dwelling with associated access for Mr Simon Slack (Ellel Ward 2015 Ward)   | Application Permitted |
| 17/00012/DIS | 32A Parliament Street, Lancaster, Lancashire<br>Discharge of conditions 6, 8, 13 and 16 on approved application 15/00067/FUL for Mr D Sumner (Bulk Ward 2015 Ward)  | Initial Response Sent |
| 17/00013/LB  | Swans Farmhouse, Hollinhurst Brow, Lowgill<br>Listed Building application for removal of garages doors, insertion of door and windows, installation of bi-folding doors, replace existing door with window, new lead flashing and cover flashing, installation of two roof lights and two new flues, lowering of floor and widening opening of internal wall for Mr & Mrs Stuart Barry (Lower Lune Valley Ward 2015 Ward) | Application Permitted |
| 17/00022/DIS | Williamson Court, 142 Greaves Road, Lancaster<br>Discharge of condition 12 on approved application 16/01513/VCN for McCarthy And Stone (Scotforth West Ward 2015 Ward)  | Request Completed     |
| 17/00023/DIS | 2 The Drive, Hest Bank, Lancaster<br>Discharge of conditions 3, 5 and 6 on approved planning application 16/01508/FUL for Mr Lee Ogle (Bolton And Slyne Ward 2015 Ward)   | Request Completed     |
| 17/00024/DIS | Land Adjacent, Campbell Drive, Lancaster<br>Discharge of condition 6 on approved application 16/01470/VCN for Mr Andrew McMurtrie (Bulk Ward 2015 Ward)   | Request Completed     |
| 17/00027/DIS | Lancaster University, Bigforth Drive, Bailrigg<br>Discharge of condition 6 on approved application 16/00476/FUL for Lancaster University (University And Scotforth Rural Ward)  | Request Completed     |
| 17/00027/FUL | 29 Thonock Road, Morecambe, Lancashire<br>Erection of a single storey rear extension, construction of dormer extensions to the side and rear elevations and removal of 2 chimneys for Mr & Mrs T Fear (Westgate Ward 2015 Ward)   | Application Permitted |
| 17/00030/DIS | Yew Trees, Upphall Lane, Priest Hutton<br>Discharge of conditions 5 and 6 on approved application 16/00416/FUL for Mrs Patricia Thomas (Kellet Ward 2015 Ward)  | Initial Response Sent |
| 17/00030/VCN | Hilderstone Farm, Hilderstone Lane, Yealand Redmayne<br>Change of use and conversion of barn to form two dwellings (C3) and alteration to outbuilding to form garage for existing dwelling (pursuant to the variation of condition 6 and 12 to amend site plan and removal of condition 13 in relation to visibility splays on planning permission 14/00003/CU) for F.W.Herd & Son (Silverdale Ward 2015 Ward)            | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

|               |  |  |
|---------------|--|--|
| 17/00033/FUL  | Slyne With Hest Church Of England School, Shady Lane, Hest Bank<br>Erection of a single storey classroom extension for The Governors of St Lukes (Bolton And Slyne Ward 2015 Ward)   | Application Permitted                  |
| 17/00035/DIS  | Extension Walney Wind Farm, Borrans Lane, Middleton<br>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                      |
| 17/00040/FUL  | 30A - 32 Victoria Street, Morecambe, Lancashire<br>Alterations and installation of a replacement shop front for Kieron Bassett Financial Services (Poulton Ward 2015 Ward)   | Application Permitted                  |
| 17/00041/ADV  | 30A - 32 Victoria Street, Morecambe, Lancashire<br>Advertisement application for the display of an externally illuminated fascia sign and a non-illuminated hanging sign for Kieron Bassett Financial Services (Poulton Ward 2015 Ward)  | Application Permitted                  |
| 17/00042/DIS  | Extension Walney Wind Farm, Borrans Lane, Middleton<br>Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project<br>for Ms Sally Holroyd (Overton Ward 2015 Ward)   | Request Completed                      |
| 17/00047/ADV  | 1 Red Court Caravan Park, Lancaster Road, Carnforth<br>Advertisement application for the display of 5 non-illuminated advertising hoardings for McCarthy & Stone (Carnforth And Millhead Ward 2015 Ward)   | Application Permitted                  |
| 17/00052/FUL  | 184 Main Street, Warton, Carnforth<br>Erection of a part single storey, part two storey extension to existing annexe to facilitate the conversion to a separate dwelling with associated landscape and creation of a new access point for Mr & Mrs J Collins (Warton Ward 2015 Ward) | Application Refused                    |
| 17/00056/FUL  | 9 Hatlex Hill, Hest Bank, Lancaster<br>Demolition of existing bungalow and erection of a two storey detached dwelling (C3) with integral garage for Mr Matthew Devenish (Bolton And Slyne Ward 2015 Ward)  | Application Permitted                  |
| 17/00059/ELDC | Red Bank Farm Caravan Camp, The Shore, Bolton Le Sands<br>Existing lawful development certificate for use of land as a campsite for Mr Mark Archer (Bolton And Slyne Ward 2015 Ward)   | Lawful Development Certificate Refused |
| 17/00062/FUL  | 13 Hornby Hall Close, Hornby, Lancaster<br>Erection of a single storey rear extension for Mr & Mrs R Smith (Upper Lune Valley Ward 2015 Ward)  | Application Permitted                  |
| 17/00063/FUL  | 26 - 28 Victoria Street, Morecambe, Lancashire<br>Replacement of three ground floor windows to the New Street elevation for Mrs Stacey Samiloglu (Poulton Ward 2015 Ward)  | Application Permitted                  |
| 17/00065/FUL  | Land At, 3 Tithebarn Hill, Glasson Dock<br>Erection of 1 holiday unit raised on timber struts and creation of access and parking for Mrs C Woodward (Ellel Ward 2015 Ward)   | Application Refused                    |

## LIST OF DELEGATED PLANNING DECISIONS

|               |   |  |
|---------------|---|--|
| 17/00070/FUL  | 6 Peel Crescent, Lancaster, Lancashire Replacement of metal framed windows with softwood timber on all elevations for Mr & Mrs S. Kerfoot (Marsh Ward 2015 Ward)  | Application Permitted                  |
| 17/00087/FUL  | Lunesdale Arms, Burrow Road, Tunstall Erection of a front extension for Mr Wilkinson (Upper Lune Valley Ward 2015 Ward)   | Application Withdrawn                  |
| 17/00092/PLDC | 9 Canterbury Avenue, Lancaster, Lancashire Proposed lawful development certificate for erection of a single storey side and rear extension for Mr & Mrs White (John O'Gaunt Ward 2015 Ward)   | Lawful Development Certificate Granted |
| 17/00132/ELDC | 45 Ullswater Road, Lancaster, Lancashire Existing lawful development certificate for continued use as a hot food takeaway for Mr Chi Keung Wong (Bulk Ward 2015 Ward)   | Lawful Development Certificate Granted |
| 17/00160/CCC  | Clear Water Fisheries, Kellet Lane, Over Kellet Excavations and earthworks to reconfigure the existing lakes including removal, construction and extension of bunds including completion of the embankment adjacent to the M6 to the same dimensions as approved under planning permission 1/12/0890 . The application includes the submission of a new Section 106 Ecological Management Plan for the site for Mr Alex Mollart (Warton Ward 2015 Ward) | No Objections                          |