



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 26TH JUNE 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 31st May, 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	A5 17/00340/VCN	Land Rear Of Cemetery, Back Lane, Carnforth	Carnforth and Millhead Ward	(Pages 1 - 6)
		Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements (pursuant to the variation of condition 5 on the approved application 11/00668/OUT in relation to flood mitigation measures) for Mr Graham Wallbank		
6	A6 17/00136/FUL	Farmhouse Tavern And Motel, Morecambe Road, Lancaster	Skerton West Ward	(Pages 7 - 14)
		Change of use and conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking for Tom Hill		
7	A7 17/00137/LB	Farmhouse Tavern And Motel, Morecambe Road, Lancaster	Skerton West Ward	(Pages 15 - 19)
		Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwellinghouses (C3) for Tom Hill		

8	A8 17/00363/OUT	Woodside, Ashton Road, Ashton With Stodday	Ellel Ward	(Pages 20 - 25)
		Outline application for the erection of 1 residential dwelling for Mr Blackwell		
9	A9 17/00333/VLA	Former St Patricks Catholic Church, St Johns Road, Heysham	Heysham North Ward	(Pages 26 - 31)
		Variation of legal agreement attached to planning permission 06/00666/FUL to alter the affordable housing provisions for Mrs Carla Clarke		
10	A10 17/00466/CU	Sea View, Ringstones Lane, Lowgill	Lower Lune Valley Ward	(Pages 32 - 44)
		Change of use and conversion of redundant agricultural buildings to a single storey dwelling and a domestic storage and garage for Mr George Morphet		
11	A11 17/00140/FUL	5 Cheapside, Lancaster, Lancashire	Castle Ward	(Pages 45 - 49)
		Change of use of shop (A1) to restaurant (A3) and installation of a flue to the rear for Mr Ali Ezdi		
12	A12 17/00361/FUL	Land Adjacent To Railway Bridge, St Georges Quay, Lancaster	Castle Ward	(Pages 50 - 53)
		Siting of a temporary sales cabin with associated parking for Rachael Graham		
13	A13 17/00555/FUL	18 Yealand Drive, Lancaster, Lancashire	Scotforth East Ward	(Pages 54 - 57)
		Partial demolition of existing detached garage and erection of a single storey side and rear extension for Mr & Mrs R Cope		
14	A14 17/00168/FUL	10 Denny Avenue, Lancaster, Lancashire	Skerton West Ward	(Pages 58 - 61)
		Erection of a single storey rear extension and construction of a disabled access ramp for Mr Greenwood		

15 Delegated Planning Decisions (Pages 62 - 68)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Karen Leytham, Jane Parkinson, Robert Redfern, Sylvia Rogerson, Susan Sykes, Malcolm Thomas and one Green group vacancy

(ii) Substitute Membership

Councillors Jon Barry, Stuart Bateson, 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.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Wednesday 14th June, 2017.

Agenda Item A5	Committee Date 26 June 2017	Application Number 17/00340/VCN
<p align="center">Application Site</p> <p align="center">Land Rear Of Cemetery Back Lane Carnforth Lancashire</p>	<p align="center">Proposal</p> <p align="center">Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements (pursuant to the variation of condition 5 on the approved application 11/00668/OUT in relation to flood mitigation measures)</p>	
<p align="center">Name of Applicant</p> <p align="center">Mr Graham Wallbank</p>	<p align="center">Name of Agent</p>	
<p align="center">Decision Target Date</p> <p align="center">6 July 2017</p>	<p align="center">Reason For Delay</p> <p align="center">Not applicable</p>	
<p>Case Officer</p>	<p>Mr Mark Potts</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 The half hectare application site is situated at the north end of Back Lane close to its junction with Kellet Lane to the east side of Carnforth. To the northern boundary sits Carnforth Cemetery, to the east Back Lane, agricultural fields and M6 motorway. To the south and west are residential properties to Hard Knott Rise and Fairfield Close which are separated by a belt of trees. The immediate surrounding area is predominantly residential with Back Lane forming the outer boundary of the residential area, becoming agricultural beyond it towards the villages of Over Kellet and Nether Kellet with the intersecting motorway running in a north south direction to the east. The commercial centre of Carnforth is only a short distance from the site as are local facilities such as supermarkets and schools. The site itself is roughly rectangular in shape approximately 100-120 metres in length, from Back Lane to the rear of the site, and 40 metres wide. The land is predominantly scrubland with a number of significant trees along its perimeters, although there are none of any notable significance within the site.
- 1.2 Although overgrown and barely visible within the site, a watercourse/drainage dyke runs adjacent to the northern boundary of the site parallel to the cemetery to the north. The dyke enters the site in the form of two streams, one from Back Lane to the east boundary and the other from the rear of Hard Knott Rise to the southern boundary. It then exits the site at the west boundary at the southern corner of Fairfield Close adjacent to property no.14 and enters a culvert which crosses beneath Fairfield Close travelling northwards and under Kellet Close, visible again at the funeral parlour which sits along the north side of the lane. The dyke then follows the east boundary of the 'Carnforth Hub' (Children's Centre) and leading to Carnforth High School playing fields to the north.
- 1.5 The site is allocated as Urban Greenspace under the saved policies of the Local Plan and is within Flood Zone 2 and 3, and 60% of the site is covered by a mineral safeguarding zone.

2.0 The Proposal

- 2.1 The application proposes to vary condition 5 of the outline planning consent to remove the requirement for the development to provide for a new by-pass culvert which would link the site to the north of Kellet Road. The purpose of the culvert is to supplement the existing culvert, and would

provide mitigation for the loss of flood storage resulting from the proposed development. Instead the applicant have proposed an alternative on-site flood storage scheme with no culvert.

The current condition reads as follows;

“The development hereby approved shall not commence until a scheme showing hydraulic and construction details of the proposed new culvert linking the site to the downstream outlet north of Kellet Road together with flood risk reduction measures described in the application and the Flood Risk Assessment has been submitted to and approved in writing by the local planning authority. The culvert and associated works and measures shall be constructed and completed in full, in accordance with the scheme so approved, in advance of any other works associated with the proposed development. The approved works shall be retained in operational condition thereafter”.

The applicant seeks to amend the condition as per the below;

“The development hereby approved shall not commence until a scheme showing details of the proposed flood risk reduction measures described in the following documents has been submitted to and approved in writing by the local planning authority;

- *Updated Flood Risk Assessment Section 6.4 ‘Report in response to and discharge of condition 5, the planning inspectorate appeal decision dated 10th January 2013 of the approved reserved matters application 15/00160/REM dated 7th April 2016; as updated by the following documents;*
- *Drawing 14.B.10487/2 Rev B Proposed Drainage;*
- *Drawing 14.B.10487/1 Rev 1 As Existing;*
- *Calculations: Proposed Flood Storage Volumes;*
- *Calculations: Storm sewer design: Micro Drainage.*

The works shall be completed in sequence so that there is no detriment to the existing protection of the upstream and downstream properties. The sequence shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be retained in operational condition thereafter”.

3.0 Site History

3.1 The below applications are relevant in the determination of this planning application

Application Number	Proposal	Decision
15/01630/REM	Reserved matters application for 14 affordable residential units with associated access, drainage and landscaping arrangements	Approved
11/00668/OUT	Outline application for 16 affordable residential units with associated access, drainage and landscaping arrangements	Granted on appeal

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	Objection. The by-pass culvert to be constructed prior to the commencement of the development remains an essential condition to minimise flood risk. Removal of the need for the bypass culvert would increase flood risk to the site and surrounding area.
Lead Local Flood Authority	No Objection to the applicant’s proposed wording of the condition.
Carnforth Town Council	Objection , as they are unsure as to whether the flood prevention methods are acceptable.

5.0 Neighbour Representations

5.1 The application has been advertised in the press and by site notice. To date there has been 3 letters of objection (from the same individual), and a further objection letter from the RG Parkins drainage consultants.

The objections relate to concerns that the amendments to condition 5 would result in flooding elsewhere, and that the condition was imposed to protect off-site properties. They advise that there should be modelling of the proposed site levels and climate change models, scope and maintenance for the maintenance programmes for the main river and below ground storage. Lack of confidence that the scheme as proposed could work given that flooding has already occurred in recent years.

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** – The 12 core land-use planning principles
Paragraph **49** and **50** - Housing
Paragraphs **56, 58** and **60** - Good Design
Paragraphs **100 – 103** – Flooding

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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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

Policy **DM25** Green spaces and green corridors
Policy **DM27** Biodiversity
Policy **DM28** Landscaping impact

Policy **DM29** Protection of trees, hedgerows and woodland
Policy **DM35** Key design principles
Policy **DM36** Sustainable Design
Policy **DM38** Development and Flood Risk
Policy **DM39** Surface Water Run Off
Policy **DM40** Protecting Water Run-Off and Sustainable Drainage
Policy **DM41** New residential dwellings

6.4 Lancaster District Core Strategy

Policy **SC1** Sustainable development
Policy **SC5** Achieving quality in design

6.5 Lancaster Local Plan

Policy **E29** Urban Greenspace

6.6 Joint Lancashire Minerals and Waste Local Plan

Policy **M2** Mineral Safeguarding

7.0 Comment and Analysis

7.1 The principal concern is whether the variation to condition 5 would increase the likelihood of flooding for existing and future residents.

7.1.2 The original application was refused by the local planning authority but was subsequently allowed on appeal by the Planning Inspectorate in January 2013. This permitted the erection of 16 affordable dwellings. The Local Planning Authority refusal was on the basis that the site was situated in Flood Zone 3b, and that the 'Sequential Test' – to consider the availability of other sites at a lower risk of flooding - had not been passed. The Planning Inspectorate took the view that a solution could be found to limit any flood disturbance to properties (by including the proposed condition the applicant is seeking to vary), and therefore approved the scheme in outline form, with only the point of access being approved in detail.

7.1.2 In 2016 an application for reserved matters (permission 15/01630/REM) was approved subject to a number of planning conditions. There are conditions associated with the outline planning permission which address issues of flood risk and surface water drainage. At the request of the Environment Agency (EA) and Lead Local Flood Authority (LLFA), conditions were attached to the reserved matters consent to enable them to remove their objection. It should be noted that the details of the flood risk measures have yet to be submitted to, and approved/discharged by the Local Planning Authority.

7.2 Flood Risk and Drainage

7.2.1 The site does lie within Flood Zone 3b, which puts it at a high risk of flooding, and these are areas that are deemed to be the most at risk of flooding from rivers or the sea. The LLFA raise no objection to the development, subject to it being carried out in accordance with proposed condition outlined by the applicant. The Environment Agency however object to the scheme; they maintain that the bypass culvert is essential and was previously agreed as part of the original outline consent to enable the EA to support the application. It should be recognised that the stream that runs through the site is classified as a main river and therefore falls within the remit of the EA, as opposed to the LLFA.

7.2.2 The Inspectors decision states (our emphasis in bold);

*I conclude, therefore, on the main issue, that the lack of conformity with the Sequential Test is outweighed by the significant benefits of the proposal in terms of reducing flood risk to existing properties and wider sustainability benefits. **This conclusion is contingent upon the imposition of Grampian condition, to ensure that the proposed new culvert is provided in advance of the remainder of the scheme. On that basis, the proposal would represent an acceptable***

development, having regard to its location within a Flood Zone and the provisions of the CS and national policy.

It is clear that significant weight was attached to the provision of a culvert and whilst the LLFA are amenable to the applicant's proposals, given the objection from the EA, officers recommend that the variation cannot be supported with any degree of confidence without the support of this important statutory consultee.

- 7.2.3 The applicant maintains that condition 5 of the outline permission has been superseded by the approval of the reserved matters consent, whereby the following conditions were imposed on the reserved matters consent at the request of the EA:

Condition 6

The development hereby approved shall be constructed in accordance with the mitigation measures contained within the approved Flood Risk Assessment including the provision of a permanent flood defence structure (wall) either side of the headwall on the west boundary with Fairfield Close estate.

Condition 7

Finished floor levels should be set no lower than 27.2 m above Ordnance Datum (AOD).

It should be recognised that the EA did request that condition 5 (which the applicant is seeking to amend) was imposed (for clarity purposes) on the reserved matters consent, however this would have resulted in the duplication of planning conditions (the same condition on the outline and reserved matters) which officers considered at that time was not necessary. The outline permission remains the planning permission. Officers considered that condition 5 would still continue to be in force, and continue to share this belief. The applicant considers that the EA are seeking unreasonable requirements which are far in excess of the measures that should be required.

- 7.2.4 As mentioned above there is no need to duplicate conditions on the outline and reserved matters consent, and the scheme detailing the provision of the culvert and its subsequent implementation still needs to occur which is required by condition 5 of the outline consent. This has not been superseded by the approval of the reserved matters, as this was fundamental to the scheme being granted planning permission in the first instance. It is clear that the Inspector attached great weight to the culvert being installed as part of the consideration of the planning appeal. The applicant did liaise with the LLFA at pre-application stage regarding this application in relation to on-site storage of water and these discussions have proved fruitful given that no objection has been received from the LLFA. But, as noted earlier in this report the stream that crosses the site is a main river and is therefore within the remit of the EA.

- 7.2.5 Given there is an objection from the EA in terms of potential increase in on and off-site flooding, should Members wish to support the application, under the Town and Country Planning (Consultation) (England) Direction 2009 there would be a need to formally consult the Secretary of State before any planning permission could be granted.

8.0 Planning Obligations

- 8.1 Not applicable in the determination of this planning application.

9.0 Conclusions

- 9.1 The scheme provides for 100% affordable housing, and therefore following the original appeal decision the local planning authority are keen to support the development of this site. However this cannot be at the risk that future flooding may occur. The site falls within Flood Zone 3b, and without the benefit of the condition and in particular the retention of the need for the culvert then it is considered that the development would create an unacceptable threat to existing and proposed dwellings from flooding. The modification to condition 5 of planning permission 11/00668/OUT would give rise to an increased risk of flooding and therefore fails to conform to Policies DM38 and DM39 of the Development Management DPD, Core Strategy Policy SC1 and Paragraphs 17 and 103 of National Planning Policy Framework. Members are therefore advised that the application should not be supported.

Recommendation

That the variation to Condition 5 of Planning Permission 11/00668/OUT **BE REFUSED** for the following reason:

1. Without the benefit of the by-pass culvert, which was previously considered necessary to allow for the scheme to be approved, it is considered there would be an increased risk of flooding, and therefore the application fails to conform to Policies DM38 and DM39 of the Development Management DPD, Policy SC1 of the Core Strategy, and Paragraphs 17 and 103 of 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. 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 A6	Committee Date 26 June 2017	Application Number 17/00136/FUL
Application Site Farmhouse Tavern And Motel Morecambe Road Lancaster Lancashire	Proposal Change of use and conversion of the tavern into five dwelling houses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking	
Name of Applicant Tom Hill	Name of Agent Mr Scott Bracken	
Decision Target Date 26 July 2017	Reason For Delay Not Applicable	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The application site is located within the Scale Hall area of Lancaster and comprises a site area of approximately 0.35 hectares. To the north of the development lies the Babar Elephant restaurant, to the east Morecambe Road and to the south east lies Aldi Supermarket. To the south and south-west lies Derwent Court and other residential properties on Brindle Mews. The site is relatively level and consists of existing buildings in the form of the Tavern and associated former motel rooms, areas of hardstanding, trees and landscaped areas.
- 1.2 Farmhouse Tavern is a Grade II listed building, and there are a number of trees that are covered by Tree Preservation Order 214 (1993). There is an existing close boarded timber fence to the north of the development that separates the development from the playground associated with the Babar Elephant restaurant with some trees and hedgerows providing some screening to the south-east and south-west of the site.

2.0 The Proposal

- 2.1 The proposal involves the change of use of the former Tavern into 5 apartments and the erection of 9 dwellings (following the demolition of the former motel buildings). The existing dilapidated conservatory to the north east of the former Tavern is proposed to be demolished and would be replaced with a further pair of semi-detached properties, thus comprising 16 units in total.

The below gives a break-down of the property types;

- 1 bedroom property (Units 2, 4, 8 and 9);
- 2 bedroom property (Units 1, 3, 5, 6, 7, 10, 13-16);
- 3 bedroom property (Units 11 and 12).

The Tavern would remain essentially the same with a small extension in buff render with natural stone quoins to the north east side of the Tavern. On the west elevation of the Tavern part of the outbuilding is proposed to be rebuilt. Units 8 and 9 would be of single storey construction, utilising

the existing built form with a small extension of stone coloured render with a new slate roof. Units 10-16 would be two storey in height, and constructed in render with some stone, under slate roofs and units 6 and 7 would consist of slate roofs and a light stone coloured render and some coursed rubble stone.

A new gravel surface car park is proposed on an existing grassed area to the south of the tavern, whilst the existing tarmac car park to the north east of the site is proposed to be resurfaced in gravel. The scheme proposes new soft landscaping and the creation of an oval shaped lawn to the south.

3.0 Site History

3.1 The most relevant site history is noted below

Application Number	Proposal	Decision
17/00137/LB	Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwellinghouses (C3)	Pending Consideration
16/00422/LB	Listed building application to facilitate the conversion of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, and demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
16/00421/FUL	Change of use of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
15/01079/PRETWO	Conversion of existing tavern and motel accommodation with associated alterations and extensions to provide 17 residential units	Advice Provided

4.0 Consultation Responses

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

Consultee	Response
County Highways	No Objection however recommends that the gravel car park is hard surfaced rather than gravel.
Conservation Officer	Objection ; concern regarding the erection of 2 separate dwellings to the east of the listed building and there is a lack of clear and convincing justification.
Tree Protection Officer	Objection to the proposed development in relation to trees namely the mature copper beach tree and concerns regarding pruning works to a mature horse chestnut tree.
Strategic Housing Officer	Concerns – The applicant needs to reconsider costs put forward as part of the development appraisal. It may be the case that the site would not provide a significant return but at the present time from the information put forward a conclusion is unable to be reached.
Environmental Health Department	No Observations received within the statutory timescales.
Lead Local Flood Authority	No Objection , assuming conditions associated with surface water drainage details and management and maintenance plan of the drainage systems
United Utilities	No Objection assuming conditions are attached ensuring foul and surface water is drained on separate systems, and that a condition controlling the need for a sustainable surface water scheme is submitted.
Greater Manchester Ecology Unit	Concerns - The site is of low ecological value the only potential constraints relate to bats, nesting birds and trees on the site. The bat assessment implies emergence surveys were planned for May and these do not appear to have been provided.
Fire Safety Officer	No Objection
Planning Policy	No Objection in principal.

Lancashire Constabulary	No Observations received within the statutory timescales.
Lancaster Civic Society	Generally supportive however concerned that there is over-development on the site.
County Education	No Objection – No requirement for a financial contribution to be made towards education.
Public Realm Officer	No Observations received within the statutory timescales
Lancashire Archaeology	Comments - In support of the comments made by the conservation officer, and also Lancaster Civic Society. Recommend if planning permission to be granted a condition should be attached requiring a Level 3 building recording

5.0 Neighbour Representations

- 5.1 To date there has been one letter which neither objects or supports the scheme but raises concerns as to whether the character of the original building would be retained, how will parking be managed and will there be impact on the mature trees.

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, 35 and 38 – Access and Transport
Paragraphs 47, 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, 115,116, 117,118 – Conserving the Natural Environment
Paragraph 120 – Risks from Pollution (contamination)
Paragraph 123 – Public health and noise considerations
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.

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The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft ‘Review’ document are different from those adopted in 2014, and those policies materially affect

the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design
E1 – Environmental Capital
E2 – Transportation Measures

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
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
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM48 – Community Infrastructure
DM49 – Local Services
Appendix B – Car Parking Standards
Appendix E – Flat Conversions

6.5 Other material considerations

- National Planning Policy Guidance;
- Meeting Housing Needs Supplementary Planning Document;

7.0 Comment and Analysis

7.1 The main considerations with the application relate to the following;

- Principal of re-development;
- Heritage Concerns;
- Amenity/Design and Layout;
- Ecology and Protected Species;
- Trees;
- Ecology;
- Drainage and Heritage Considerations;
- Affordable Housing Provision.

7.1.1 Principal of re-development

7.1.2 The site is located within the Scale Hall area of Lancaster and therefore a sustainable location for a development of this nature. The City Council cannot demonstrate a deliverable 5 year housing land supply (having 3.9 years at present), because of this the lack of a five year housing land supply triggers the operation of the second part of the NPPF Paragraph 14, and therefore decision makers have to weigh the consequences of an undersupply of housing against other policies in the development plan that may have the effect of restricting that supply. The Tavern and associated motel rooms have been neglected for a number of years, and unfortunately they have fallen into a state of neglect, and vandalism has started to occur and the applicant has erected fencing around

the perimeter of the site. The advice shared with the applicant in terms of the withdrawn application was that they should seek to demonstrate that the public house no longer has a viable community use (as required by Policy DM49 of the DM DPD in terms of marketing the property for a period of 12 months at a realistic price). The applicant has not provided this information. They state that the Tavern was auctioned in February 2015, however it is unclear whether the applicant purchased the property at this auction. The applicant considers that the possibility of a listed building being vacant for 12 months is not compatible with the NPPF regarding bringing buildings back into use, and therefore they consider that the scheme is compliant with Policy DM49. Whilst Officers agree that the building needs to be brought back into use, the proposal currently fails to with Policy DM49 as the applicant has failed to demonstrate that there a public house use could be viable. In the absence of this information, the proposal is not compliant with Development Plan policy.

7.2 Heritage Concerns

7.2.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

7.2.2 The Grade II Farmhouse Tavern (formerly known as Scale Hall), was formerly a small manor house dating from c1700 and then later used as a country club and pub. It is constructed in sandstone rubble with ashlar dressings and a slate roof. There has been a modern alteration and addition to a stable block to the rear which was converted into a motel. It is worthy of note that historically the use of the building was as a residential dwelling and therefore the principle of converting the building back to a residential use could be acceptable in principle (assuming the Policy DM49 issues are addressed) as a way of bringing the building back into use.

7.2.3 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building, however a pair of semi-detached properties (Units 6 and 7) would be sited in its place. In the view of officers this would negatively impact the setting and detract from the significance of the listed building. The Tavern is readily visible from Morecambe Road, and the erection of the two units would obstruct this viewpoint and the main experience and view of the asset for the public. The harm would be less than substantial however should be weighed against the public benefits of the scheme.

7.2.4 As set out in Paragraph 132 of the NPPF, any harm should require clear and convincing justification. In the view of the Conservation Officer this is not included within the current application, and there are concerns with respect to the proposed development and its' setting to the listed building. No additional information has been provided by the applicant to overcome the Conservation Officer's concern from 10th May. Historic England and the National Amenity Societies have been consulted on the accompanying Listed Building application (Item A7 on this Committee Agenda). Historic England do not offer comments on the application and advise that the local planning authority should seek the advice of their Conservation Officer instead. To date the Georgian Society (although they objected to the previous application) have not yet responded to the consultation and any views will be reported verbally to Members. It is considered that the scheme at present has not provided the necessary clear and convincing justification required under the NPPF, and therefore we believe that the setting of the Tavern could be compromised by the erection of units 6 and 7.

7.3 Amenity/Design and Layout

7.3.1 The development seeks to utilise the existing footprint of the tavern and associated motel rooms with the exception of the two units that would be sited to the east of the former farmhouse (in a

similar location to the lightweight conservatory). The layout is essentially of a courtyard and the principle of this could work well in this urban setting. Notwithstanding this Units 10-16 have substandard garden sizes with many only in the region of 3.8 metres in depth with gardens in the region of 18 square metres, which is significantly below that required under DM DPD Policy DM35 (50 square metres). Additionally many are north-west facing with trees behind making these units feel oppressive. Unit 8 fails to provide any private amenity space at all, and whilst the lawns (as communal space) are acceptable for the conversion element of the scheme, the remainder feels considerably over-developed and as a consequence the areas of private garden space and open space is heavily-compromised. In addition, the relationship of units 12-16 with the neighbouring restaurant play area is a matter of concern, given that there is only 6 metres from the edge of the play area to the properties. By providing larger gardens, the separation distances would be greater to the restaurant play area. However officers consider that this can only occur with an amended scheme which reduces the quantum of development (and which addresses the other points of concern that are reflecting in this report).

7.3.2 Much of the scheme would provide for an adequate standard of outlook; however Unit 2 would have a bedroom window which is less than 2 metres from the blank elevation of unit 6 (which given this is only a 1 bedroom property is unacceptable). Elsewhere, the units within the former tavern are less than the required 21 metres (required under Policy DM35 of the DM DPD) between habitable windows of the adjacent off site properties (circa 19 metres). This is less of a concern in amenity terms given that the proposal brings a listed building back into beneficial use, and this aspect of the scheme could be considered acceptable. With respect to Unit 5, this is located on the second floor of the Tavern and is a 2 bedroom unit which mostly benefits from roof-lights for outlook and light. However no cross section plans have been received to demonstrate that the rooflights are capable of providing sufficient natural light and outlook. Unit 8 feels rather uncomfortable as this is a one bedroom unit and the main bedroom is only 9.8 square metres and the minimum room standards as part of Appendix E of the DPD requires 10.2 square metres. Again these are matters that could be addressed via a reduction in the number of properties being proposed.

7.3.3 Many of the concerns raised above were made clear to the applicant when the previous application was withdrawn in 2016. It is unfortunate many of these issues have not been addressed within this submission. Officers are willing to work with the applicant to devise a scheme which can be found acceptable, and to provide a standard of accommodation that would satisfy the policies contained within the Development Management DPD.

7.4 Trees

7.4.1 There are total of 23 trees that have been identified in relation to the proposed development, and some of these are protected in law under Tree Preservation Order No 214 (1993). The most valued of which is a copper beech (T1), which is established immediately adjacent to the dilapidated conservatory. Others in close proximity include mature sycamores and horse chestnuts. The Tree Protection Officer has serious concerns regarding Units 6 and 7 being sited so close to the root protection area of T1 and considers it is entirely impractical to site these units here due to the large and pendulous canopy of this impressive specimen. The scheme does propose the loss of 4 trees and this loss is considered acceptable in principle and is unlikely to have any adverse impact on the amenity value of the site. T3 (a mature horse chestnut) is proposed to remain, however the applicant has proposed a crown reduction of up to 30%. This would be unacceptable for a tree of this species and age classification and to remove live branches to this extent is likely to impact upon the health and integrity of this tree. Given the above the scheme fails to conform to DM DPD Policy DM29.

7.5 Ecology

7.5.1 A bat survey has been supplied in support of the scheme and the buildings assessed for their bat roosting potential. Given the works to the buildings that are to be converted would only result in temporary disturbance to the features where bats may roost, the applicant's ecologist considers that avoidance via the use of precautionary surveys would occur to avoid any offence under the Habitats Directive. It is discussed within the applicant's submission that emergence surveys were to be carried out in May 2016, however this material has not been shared with Officers despite this being requested. Notwithstanding this, via consultation with Greater Manchester Ecology Unit there is confidence that via the imposition of a precautionary condition regarding bat surveys it is considered that the scheme would be acceptable from an ecological perspective.

7.6 Drainage and Highway Considerations

7.6.1 The site lies within Flood Zone 1 and therefore is at the lowest risk of flooding, and somewhere where the local planning authority (LPA) would seek to support development proposals. The Lead Local Flood Authority have no objection to the development assuming conditions are applied to any permission and given this it has to be assumed that the site can be drained sustainably and in-line with the SUDs hierarchy. County Highways have not raised an objection to the development, however they have commented that the gravel surfacing of the car park should be a bonded surface such as tarmac or pavements. This issue could be addressed by planning condition should the scheme be supported. The scheme proposes 29 car parking spaces for the 16 units provided. Under the car parking standards (maximum standards), and in the absence of an objection from County Highways, this is acceptable given the application site's high level of accessibility, including its proximity to the cycle network and bus service provision.

7.7 Affordable Housing Provision

7.7.1 The applicant has submitted a financial viability report in support of the scheme that has reached the conclusion that the scheme cannot provide to support any affordable housing. Officers have some reservations regarding the figures contained within the development appraisal, and whilst it may be the case that the site would not provide a significant return, from the information supplied the LPA is unable to reach a conclusion that no affordable housing could be provided. It is therefore considered that the current information presented by the applicant does not provide a level of confidence to enable the LPA to consider that the scheme cannot support any affordable housing (either financial contribution or on site provision). As a result, the scheme fails to conform to Policy DM41 of the Development Management DPD.

8.0 Planning Obligations

8.1 None applicable given that the scheme is recommended for refusal.

9.0 Conclusions

9.1 The local planning authority are supportive of bringing this site back into a viable use and restoring the Tavern. Notwithstanding this, there are concerns regarding the impact on the amenity of future and existing residents with respect to privacy, inadequate garden sizes and poor outlook. These problems arise, in the opinion of the local planning authority, because this is an over-intensive scheme. There needs to be a reduction in the number of units and a reconfiguration of the proposal to resolve the amenity issues.

9.2 The reconfiguration of the scheme is necessary to try to resolve other problematic issues. The close proximity of Units 6 and 7 are likely to negatively impact on the setting of the listed building. It is upto the applicant to submit additional information in an attempt to justify the harm to the heritage asset. However it is preferable if the scheme can be reconfigured to remove the likely harm. The development also has the potential to negatively impact on the mature copper beech tree and a mature horse chestnut tree, and this is likely to necessitate a change in layout.

9.3 The Tavern is a former pub which has been out of operation for a number of years. However insufficient evidence has currently been put forward to demonstrate that this facility should be lost to residential development. In addition the scheme proposes no affordable housing, and whilst a viability study has been included in support of the application, Officers have concerns regarding the costs used in the appraisal and therefore cannot be certain that the scheme cannot afford to provide any affordable housing.

9.4 These are other issues (which can be overcome via amendments), such as the use of a gravelled area for car parking instead of hard-surfaced (and appropriately marked out). But all of these deficiencies combine to persuade Officers to recommend refusal of the current scheme. Officers are keen to ensure that the Tavern is restored, and the surrounding land redeveloped, and the message for the applicant is that the local planning authority wishes to work with you to find a mutually-acceptable scheme.

Recommendation

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

1. It is considered that the development would not make a positive contribution to the area given inadequate separation distances between dwellings, coupled with a lack of appropriate garden spaces. It is therefore considered that the scheme has not demonstrated good design and the scheme as proposed would compromise the amenity of future and existing residents due to the over-developed nature of the site, and therefore the scheme would fail to conform to Policy DM35 of the Development Management DPD, Policy SC5 of the Core Strategy, and Section 7 of the National Planning Policy Framework.
2. The scheme would potentially adversely impact on a large mature preserved copper beach tree that is established close to the existing conservatory, and given the development has the potential to impact on the root protection area of this impressive, protected specimen, the relationship between the development and the tree is unacceptable. In addition the works to the large mature horse chestnut tree, in terms of the extent of pruning required is considered excessive and as such the development is contrary to Policy DM29 of the Development Management DPD.
3. There are concerns for the setting of the Tavern which results from the siting of Units 6 and 7 in front of the listed building. It is considered that the harm to the setting of this building has not been demonstrated to the satisfaction of the local planning authority, as there is a lack of clear and convincing justification, and therefore the scheme fails to comply with Policies DM30 and DM32 of the Development Management DPD and Paragraphs 132 and 134 of the National Planning Policy Framework.
4. The applicant is not proposing any affordable housing as part of the scheme. Whilst a viability appraisal has been submitted in support of the scheme to demonstrate that it is not viable to support any affordable housing contribution, in the opinion of the Local Planning Authority the applicant needs to reconsider costs put forward as part of the development appraisal as at present there is a lack of confidence in the applicant's assessment and therefore the scheme is considered contrary to Policy DM41 of the Development Management DPD.
5. The Tavern is a former public house, and would have previously provided the community of Scale Hall with a valuable local service. However it is considered that the applicant has failed to provide the necessary compelling and detailed evidence which is required under Policy DM49 of the Development Management DPD to enable the local planning authority to consider its loss is justified and appropriate.

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 local authority are keen to see the site developed in a sustainable manner and the applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

Background Papers

None.

Agenda Item A7	Committee Date 26 June 2017	Application Number 17/00137/LB
<p align="center">Application Site</p> <p align="center">Farmhouse Tavern And Motel Morecambe Road Lancaster Lancashire</p>	<p align="center">Proposal</p> <p align="center">Listed building application to facilitate the conversion of the tavern into five dwellinghouses (C3) including demolition of conservatory and motel building and erection of 9 dwelling houses (C3)</p>	
<p align="center">Name of Applicant</p> <p align="center">Tom Hill</p>	<p align="center">Name of Agent</p> <p align="center">Mr Scott Bracken</p>	
<p align="center">Decision Target Date</p> <p align="center">21 June 2017</p>	<p align="center">Reason For Delay</p> <p align="center">Committee Cycle</p>	
<p>Case Officer</p>	<p>Mr Mark Potts</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Split Decision</p>	

1.0 The Site and its Surroundings

- 1.1 The application site is located in the Scale Hall area of Lancaster and amounts to a site area in the region of 0.35 hectares. To the north of the development lies the Babar Elephant restaurant, to the east Morecambe Road and to the south east lies Aldi Supermarket. To the south and south-west lies Derwent Court and other residential properties on Brindle Mews. The site is relatively level and consists of existing buildings in the form of the Tavern and associated former motel rooms, areas of hardstanding, trees and landscaped areas.
- 1.2 The Farmhouse Tavern is a Grade II listed building and there are gate piers approximately 5 metres to the south west of the building and gate piers 15 metres to the east of the building which are also Grade II listed. There are a number of trees that are covered by Tree Preservation Order 214 (1993). There is an existing close boarded timber fence to the north of the development that separates the development from the playground associated with the Babar Elephant restaurant with some trees and hedgerows providing some screening to the south-east and south-west of the site.

2.0 The Proposal

- 2.1 The proposed development involves the change of use of the former Farmhouse Tavern into 5 apartments and the erection of 9 dwellings following the demolition of the former motel buildings. The existing dilapidated conservatory to the north east of the former Tavern is proposed to be demolished and would be replaced with a pair of semi-detached properties.
- 2.2 The scheme proposes the demolition of the existing conservatory attached to the Farmhouse Tavern; the demolition of modern outbuildings and additions to the north and rear elevation. There would be a removal of the northern section of the boundary wing of the motel units. The older part of the boundary outbuilding would be constructed into an additional dwelling and there would be 9 new dwellings essentially acting as a terrace attached to the Tavern. The stone paving and balustrades would be repaired and there would be decluttering of the existing facades such as the fire escape stairs, air conditioning units and service installations. There would be general repairs to the building using conservation led materials and techniques and the west elevation is proposed to be improved by the removal of the existing render.

2.3 Within the Tavern there would be subdivision to form the 5 residential units through the erection of new walls and (where possible) utilising the existing walls. Some of the existing partitions would be lost and there would be new doorways included within the existing walls to create the 5 new dwellings.

3.0 Site History

3.1 There is a relevant full application which is pending consideration which is noted below.

Application Number	Proposal	Decision
17/00136/FUL	Change of use and conversion of the tavern into five dwelling houses (C3) including demolition of conservatory and motel building and erection of 11 dwellinghouses (C3) with associated landscaping and parking	Pending Consideration
16/00422/LB	Listed building application to facilitate the conversion of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, and demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
16/00421/FUL	Change of use of the tavern into twelve dwellinghouses (C3) including demolition of conservatory and erection of two storey extension, demolition of motel building and erection of five 2-storey town dwellinghouses (C3)	Withdrawn
15/01079/PRETWO	Conversion of existing tavern and motel accommodation with associated alterations and extensions to provide 17 residential units	Advice Provided

5.0 Neighbour Representations

5.1 The application has been advertised in the press and by site notice. To date no representations have been received in relation to this listed building application.

4.0 Consultation Responses

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

Consultee	Response
Historic England	No observations to make on the proposals.
Conservation Officer	Objection; concern regarding the erection of 2 separate dwellings to the east of the listed building and there is a lack of clear and convincing justification.
Lancaster Civic Society	Welcome the principle to bring the building back into use, support the principle of the formal oval-shaped lawn and the retention of the trees, however considers that there is some over-development of the site.
Lancashire Archaeological Advisory Service	Notes the advice of the Conservation Officer and also the Civic Society and generally supports them, recommend if permission granted a Level 3 building survey should be conditioned.
Ancient Monuments Society	No observations received within the statutory timescales
The Council for British Archaeology	No observations received within the statutory timescales
Georgian Group	No observations received within the statutory timescales
The Society for the Protection of Ancient Buildings	No observations received within the statutory timescales
The Victorian Society	No observations received within the statutory timescales
Twentieth Century Society	No observations received within the statutory timescales

7.0 Comment and Analysis

- 7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which *states "In considering whether to grant planning permission for development which affects a Listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in S66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.
- 7.2 The Farmhouse Tavern (formerly known as Scale Hall), is an impressive Grade II listed building. The building was formerly a small manor house dating from c1700 then later used as a country club and pub. It is constructed in sandstone rubble with ashlar dressings and a slate roof. There has been a modern alteration and addition to a stable block to the rear which was converted into a motel. It is worthy of note that historically the use of the building was as a residential dwelling and therefore the principle of converting the building back to a residential use could be found acceptable in principle.
- 7.3 It is commendable of the applicant to pursue a development proposal that could secure a potential long-term use for the Tavern, particularly given its historical significance and this is acknowledged by the Civic Society as the site has been neglected for a number of years. However, the application as it stands has failed to provide sufficient information to fully assess the impacts of the proposal on the significance of the designated heritage asset. Finding a sustainable end use of the Tavern does carry significant weight in the determination of this application for listed building consent however there is nothing before officers to conclude that the change of use of the building into a residential use could be found acceptable as insufficient information has been supplied with respect to whether the Tavern could still operate as a community facility in the form of a Public House or similar as noted within the report to Committee for planning application 17/00136/FUL.
- 7.4 The removal of the modern conservatory is an improvement, and would better reveal the significance of the building, however a pair of semi-detached properties (Units 6 and 7) would be sited in its place. In the view of officers this would negatively impact the setting and detract from the significance of the listed building. The Tavern is readily visible from Morecambe Road, and the erection of the two units would obstruct this viewpoint and the main experience and view of the asset for the public. The harm would be less than substantial however should be weighed against the public benefits of the scheme. The case officer would agree especially when coupled with the rear gardens for units 6 and 7.
- 7.5 The application is supported by a Heritage Statement and Impact Assessment, which considers that on balance all elements of the proposed scheme have a neutral or positive impact, with any isolated negative matters being readily mitigated by positive changes of a more significant magnitude and therefore considers that their significance would either be sustained or enhanced. The conversion of the building into residential units does inevitably have some impact however no objection has been received from the conservation officer regarding the internal works and the external fabric of the main building would have most of the external additions removed from it and new elements are positioned more remotely which goes some way to reduce the impact.
- 7.6 At this time, however, the local planning authority cannot conclude that the proposals for the use of the building represent the optimum viable use. In which case it would be premature to accept the proposed internal alterations which have been identified by the Conservation Officer to lead to less than substantial harm. Whilst Officers are supportive of a future proposal which could see this significant building brought into a sustainable long term use, inadequate justification has been provided via the planning application 17/00136/FUL, as such without the public benefits of the proposal being realised at this stage, paragraph 134 of the NPPF cannot be satisfied and the strong presumption to avoid harm set out in the 1990 Act cannot be fulfilled. This must carry significant weight in the determination of the application. On this basis, the internal works cannot be supported although external works such as the decluttering of the facades of the Tavern can be found acceptable.

8.0 Planning Obligations

8.1 Not applicable.

9.0 Conclusions

9.1 Securing a long-term sustainable end use for the Tavern is a matter to be determined via the planning application 17/00136/FUL (Item A6 on this Committee Agenda), and as Members will note, the item is recommended for refusal for a number of reasons. Officers remain of the opinion that the principle of conversion of the building could be found acceptable, but need to understand what the optimum viable use for the Tavern is. The statutory test set out in the 1990 Act seeks to avoid harm. This presumption against harm carries significant weight in the decision making process. Officers therefore contend that the internal elements proposed in advance of a proposed alternative use being adequately justified would have an adverse impact on the special architectural and historic character of the Tavern and would be considered contrary to Policy DM30 of the Development Management DPD and paragraphs 132 and 134 of the NPPF.

9.2 Members are advised to support listed building consent for some of the external works, which could be undertaken independent of any approved development. However Officers also recommend refuse listed building consent for the internal works and remaining external works (which in essence would facilitate the development of a residential conversion which has not been found acceptable via 17/00136/FUL).

Recommendation

That a **split decision** is reached. In the first instance;

That Listed Building Consent for internal and external works comprising the insertion of internal partition walls and demolition of internal walls, construction of the extension to the north facing elevation and the demolition of the existing motel units **BE REFUSED** for the following reason:

- 1) At this time there is insufficient justification that the proposed works required to the listed building to facilitate a residential development, as shown on the submitted plans, is the optimum viable use of the building given the use is not established via the planning application it would be premature to support a scheme. Without such justification the local planning authority cannot conclude that the harm identified would be outweighed by the public benefits of the proposal, including securing its optimum viable use, and is therefore considered that the scheme is contrary to DM30 of the Development Management DPD and Paragraph 132 and 134 of the NPPF.

In the second instance;

That Listed Building Consent for external works comprising the removal of the existing conservatory, the removal of the outbuildings, the removal of the fire escape stair, air conditioning units, alarm boxes and service installations, replacement rainwater goods, replacement windows including roof-lights, stone gate posts repaired, steps, paving and balustrades repaired and re-instated and stone boundary walls repairs, can be **GRANTED** subject to the following conditions;

- 1) LB time Limit;
- 2) Insofar as it relates to the approved works listed above, the development be carried out in accordance with approved drawings;
- 3) Precise LB details to be submitted and agreed with the LPA
 - Precise window and door construction details/sample including colour and finish
 - Details of stone and stone cill/head samples to reinstated openings
 - Precise details repair methods to stonework and roof (including mortar and pointing samples and any new roof covering materials)
 - New roof lights to main roof and motel units.
 - Details of the repairs to stone gate posts, stone walls, steps, paving and balustrades
 - Hardstanding areas to be made good following the removal of the conservatory.
 - Details of rainwater goods

4) Archaeology Recording

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 Article 35 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

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, some elements of the resulting proposal are 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.

There are other elements of the proposal that are acceptable and so Lancaster City Council can grant consent for such works. The decision 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>Agenda Item</p> <p>A8</p>	<p>Committee Date</p> <p>26 June 2017</p>	<p>Application Number</p> <p>17/00363/OUT</p>
<p>Application Site</p> <p>Woodside Ashton Road Ashton With Stodday Lancaster</p>	<p>Proposal</p> <p>Outline application for the erection of 1 residential dwelling</p>	
<p>Name of Applicant</p> <p>Mr Blackwell</p>	<p>Name of Agent</p> <p>Mr Avnish Panchal</p>	
<p>Decision Target Date</p> <p>24 May 2017</p>	<p>Reason For Delay</p> <p>Committee cycle</p>	
<p>Case Officer</p>	<p>Mr Andrew Clement</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, this planning application has been referred to the Planning Committee at the request of Councillor Susie Charles.

1.0 The Site and its Surroundings

- 1.1 The land which forms the subject of this application relates to land to the west of Woodside, located on a private access road to the west of Ashton Road, in small dispersed hamlet of Ashton With Stodday. Within the vicinity of the application site is Ashton Golf Centre, Lancaster Golf Club and Ashton Hall Garden Centre. Outside of the application site, but within the applicant's ownership and sharing an access to the proposed development, is the existing residential dwellinghouse of Woodside, and a domestic outbuilding (permitted retrospectively) through 07/00564/FUL. The applicant has indicated that the building is used as a small home office and hobby workshop, although the site visit has revealed that it carries an advertisement for Alltite Metal Roofing Systems. The site is located 1.5 miles west of Lancaster University, 1.7 miles north west of the nearest sustainable settlement of Galgate, 3 miles south of Lancaster City Centre.
- 1.2 The application site land has been used as domestic curtilage in association with Woodside since 1990, and was granted an existing certificate of lawful use over 10 years of use through 08/00510/ELDC. The site contains a large number of trees, all of which are protected by Tree Protection Orders. The site is located within the designated Rural Countryside Area.

2.0 The Proposal

- 2.1 The proposal is seeking outline planning permission for the erection of one residential dwellinghouse. The only 'matter' being applied for at this outline stage is access, which would be via the existing vehicular access to Woodside. Illustrative elevation and floor plans for a two-storey property have been submitted, to be confirmed at reserved matters stage, should outline permission be granted. The footprint of the proposed dwelling is 105sqm, at a width of 9.2 metres and length of 11.3 metres, with a further 0.9 metre westerly projection for a chimney.

3.0 Site History

3.1 There has been a planning application refused in 2016 for the erection of a detached dwelling. Further applications regarding existing lawful use of the land as domestic curtilage for more than 10 years and a retrospective application to retain an outbuilding have been permitted.

In addition there remains an existing enforcement case file (15/00372/UNAUTU) investigating the use of Woodside for business purposes.

Application Number	Proposal	Decision
16/00989/OUT	Outline application for the erection of 1 residential dwelling	Refused
08/00510/ELDC	Application for Certificate of Lawful Use of land as domestic curtilage	Permitted
07/00564/FUL	Retrospective application to retain buildings erected for use as storage/private workshop/garden store	Permitted

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No observations received within statutory timescale.
County Highways	No highway objection
Environmental Health	No observations received within statutory timescale.
County - Mineral Safeguarding	No observations received within statutory timescale.
Tree Protection Officer	No observations received within statutory timescale.

5.0 Neighbour Representations

5.1 One objection has been received, from the company which owns the majority of privately maintained roads and verges to Ashton Hall Estate, due to the following reasons:-

- No right of access leading to the cycle and footpaths beyond Woodside;
- Reduction in existing parking facilities and inadequate vehicle turning and manoeuvring within the site;
- Inconsistencies between the Planning Statement and submitted plans; and,
- Conflict between proposal and applicant’s objections to a planning application at a nearby site.

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 47, 49, 50, 53 and 55 – Delivering a wide choice of high quality homes
- Paragraphs 56, 57 and 61 – Achieving quality in design

6.2 Development Management DPD

DM15 – Proposals Involving Employment Land and Premises

DM20 – Enhancing Accessibility and Transport Linkages

DM22 – Vehicle Parking Provision

DM28 – Development and landscape impact

DM29 – Protection of trees, hedgerow and woodlands

DM35 – Key design principles

DM41 – New residential development

DM42 – Managing rural housing

Appendix B – Car Parking Standards

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

6.5 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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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;
- Access and Highway Impacts;
- Impact on trees; and
- Residential amenity

7.2 Principle of Housing in this Location

- 7.2.1 Lancaster City Council is currently unable to demonstrate a 5 year housing supply (having 3.9 years housing supply at present). A Supreme Court judgement in May 2017 (Suffolk Coast DC v Hopkins Homes and Richborough Estates v Cheshire East BC) has overturned a previous Court of Appeal ruling regarding the interpretation of “relevant policies for the supply of housing”. The Supreme Court concluded that there was no reason “...to treat the shortfall (of a 5-year housing land supply) in the particular (housing specific) policies as rendering out-of-date other parts of the Plan which serve a different purpose”. In effect, the judgement re-emphasises the primacy of the Development Plan and the role of the decision-maker in assessing the weight to be attached to individual policies when considering the planning balance. The lack of a five-year housing supply triggers the operation of the second part of NPPF Paragraph 14, and decision-makers should weigh the consequences of an undersupply of housing against other policies in the development plan that may have the effect of restricting that supply.
- 7.2.2 The Council has a very clear approach to sustainable development within rural locations. Whilst the absence of a five-year housing land supply carries weight, it is considered that the modest provision of a single dwelling in a location that is judged to be unsustainable, lying outside an identified and contained village settlement with services, is not sufficient to warrant a dwelling and it would be inconsistent with the Council’s approach to sustainable development across the District.
- 7.2.3 Ashton with Stodday is not identified within Policy DM42, nor preceding policy SC3 as being a rural village that is considered to be in a sustainable location for new residential development. In fact, Ashton with Stodday is not considered to be a village at all, but a scattered group of predominantly residential properties. Within this hamlet are two golf courses and a garden centre, which sells predominantly garden and outdoor products, plus some homeware items. The garden centre has opening hours of 9am to 5pm, and also sells a very limited range of food, restricted predominantly to snacks and condiments, alongside a café with slightly shorter opening times. Development should be located in sustainable locations, where there is access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education and health facilities, access to public transport and other valued community facilities. Proposals should demonstrate that they have clear benefits for the local community, and in particular will meet rural housing needs according to robust evidence. The close proximity to a single retail operation, a garden centre selling a limited range of other goods, does not justify the location as sustainable.
- 7.2.4 In terms of services, the nearest bus stop is located at the junction of A588 and Tarnwater Lane, served by 10 buses per day to Lancaster and 9 to Knott End on Sea at 90 minute intervals. However, in addition to this relatively limited service, the nearest bus stop is located 0.6 miles from the proposed dwelling, along the A588 Ashton Road. The Lune Estuary cycleway is located to the west of the proposed dwellinghouse; however this is again only accessible via the A588 Ashton Road through either Conder Green to the south or Stodday to the north, at a distance of just over 1 and 2 miles respectively. The A588 Ashton Road is a 60mph road with no footpath nor street lighting, and is not suitable for walking to access this bus service. This section of the A588 Ashton Road does not form part of the existing designated cycle route, nor is it an aspirational cycle route.
- 7.2.5 In Paragraph 55 of the National Planning Policy Framework (NPPF) it sets out that where there are groups of smaller settlements, development in one village may support services nearby. This is reflected in the wording of Development Management DPD policy DM42. However, this site is not within a village and it would not have any discernible relationship with any of the other, more sustainable settlements in the surrounding area. Galgate is the closest village and is located over 3 miles (by road) to the south east. The urban area of Scotforth, Lancaster is located 2 miles to the north. There are no safe walking routes to gain access to any of these settlements, as the intervening highways are predominantly unlit with no footpaths and national speed limits. Therefore, any future resident of this proposal would be heavily dependent on private, motorised vehicles. There is not a convincing argument that the development of a single dwelling on this site would help sustain the vitality in either of the aforementioned villages given the distance and the absence of footpaths between them. The appeal decision APP/A2335/A/14/2219746 submitted with the Sustainability Statement is a vastly different circumstance, as relates to a site located within the village Wennington, walking distance via paved footpaths to bus stops and an operating railway station on the Morecambe to Leeds line. Each application should be determined on its own merits, and this application is particularly dissimilar to that of the submitted appeal decision.

7.2.6 Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport, and to focus development in locations which offer a choice of modes of transport. The village of Galgate and urban area of Lancaster, are the nearest locations currently identified as settlements where growth would be supported and these have more services, which would reduce the need to travel. As such, by locating development in the village where there are existing services, this would enhance or maintain the vitality of rural communities by supporting those existing services. This approach complies with the paragraph 17 of the NPPF, the overarching aim of which is a presumption in favour of sustainable development. However, this proposal is not located within a settlement which is considered suitable for growth, nor in a location that can be made sustainable. Therefore the site should be dealt with in policy terms as it was located within the open countryside, particularly as this is within the designated rural countryside area.

7.2.7 The NPPF (paragraph 55) sets out that new isolated homes in the countryside should be avoided unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or where a dwelling is of exceptional quality or innovative design. This proposal does not fall into any of these categories and as such it is considered that the proposal does not provide a sufficient justification for a new dwelling in a location, which is considered to be unsustainable.

7.2.8 Notwithstanding the need to boost significantly the supply of housing (as defined by the NPPF), this proposal for a private detached residential dwelling in open countryside does not represent sustainable development. It is not a location that can be made sustainable, and so approving the application would run contrary to the NPPF and Development Plan policies.

7.3 Access and Highway Impacts

7.3.1 The proposal includes two off street car parking spaces for the property, using the existing access that is used by the Woodside dwellinghouse and outbuilding. This meets the requirements for a 3 bedroom dwellinghouse, as indicated on the submitted elevations and floor plan drawings. A further two parking spaces will be retained for the existing dwellinghouse, and five parking spaces for the outbuilding operating in association with a roofing systems business. This building does not have planning permission to operate as an office and storage building, however the maximum parking provision for this use would require 9 vehicle spaces. Although the proposed parking provision is below that of the maximum requirements of Appendix B of the DM DPD, it is not considered that this undersupply of parking would result in a severe highway impact, and County Highways returned no objection to this application.

7.4 Impact on trees

7.4.1 There are a large number of trees within the curtilage of the property, all of which are subject to a tree preservation order. The trees within the property can be clearly seen beyond its boundaries, and collectively make an important contribution to the character and appearance of the site and the wider locality. The submitted Arboricultural Impact Assessment has identified potential works to some trees, which would require permission. However, these recommended tree works are due to condition of the trees, and no trees are required to be removed to facilitate the proposed development. Subject to the implementation of recommended fencing and construction exclusion zone mitigations detailed with this report, the proposal would have no detrimental impact upon the protected trees on site.

7.5 Residential amenity

7.5.1 The submitted elevations and floor plan sketches are indicative only, however from the site plan there is sufficient separation distance from neighbouring dwellinghouses allow for window openings to at least three of the four elevations, Despite being located just 17.7 metres from Woodside, given the angle this property windows, openings to the fourth east facing elevation of the proposal are also unlikely to cause unacceptable impact upon privacy, as openings do not directly face one another. Following the increase of the domestic curtilage through the existing lawful development certificate through 08/00510/ELDC for 10 years of use, the external space is sufficient to accommodate an

additional dwellinghouse with ample garden space for the existing and proposed properties. This outline application raises no concern regarding residential amenity, although design, openings and scale would be assessed in more detail at reserved matter stage, if the principle of the development an outline application were considered acceptable.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The site is located outside of a settlement in which new housing would be supported. The proposal for a single dwellinghouse would make no contribution to a local community, located within a small scattered hamlet, within walking distance of just one retail operation offering a very limited range convenience products in addition to the primary role as a garden centre. The proposal does not meet the rural exception site criteria, and would be heavily dependent upon private motorised vehicular transport, with no accessible public transport alternative. Therefore the site is considered to be unsustainable for new residential housing. Notwithstanding the need to significantly boost the supply of housing, especially in the absence of a five-year housing land supply, for the reasons set out above it is not considered that the proposal represents sustainable development and the benefits do not outweigh the harm. The adverse impacts of an unsustainable dwellinghouse would significantly and demonstrably outweigh the benefit of the contribution of one dwelling to the housing supply. It is not a location that can be made sustainable and as such, approving the application would run contrary to the NPPF and Development Management DPD policies.

Recommendation

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

1. The site is located off Ashton Road within the scattered hamlet of Ashton with Stodday. Ashton with Stodday contains minimal key services and as such is not considered to be sustainable in terms of its location. The site does not have immediate and direct access to key services and infrastructure, and would realistically only be accessible by using a private car. In addition it has not been demonstrated that the development would enhance or maintain the vitality of the local community or help sustain services in nearby settlements. There has been no exceptional justification provided to support the provision of a dwelling in this isolated location. As such the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, and does not fall within any of the circumstances set out in Paragraph 55, Core Strategy policy SC1, and Policies DM20 (criteria II) and DM42 of the Development Management Development Plan Document.

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

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

<p>Agenda Item A9</p>	<p>Committee Date 26 June 2017</p>	<p>Application Number 17/00333/VLA</p>
<p>Application Site Former St Patricks Catholic Church St Johns Road Heysham Lancashire</p>	<p>Proposal Variation of legal agreement attached to planning permission 06/00666/FUL to alter the affordable housing provisions</p>	
<p>Name of Applicant Mrs Carla Clarke</p>	<p>Name of Agent -</p>	
<p>Decision Target Date 18 May 2017</p>	<p>Reason For Delay Assessment of the application and committee scheduling</p>	
<p>Case Officer</p>	<p>Ms Charlotte Seward</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval to progress to Deed of Variation</p>	

1.0 The Site and its Surroundings

1.1 This application site relates to 8 St Johns Road, Heysham. This property forms 1 of 14 affordable dwellings on the site that used to form part of St Patricks Catholic Church. The 14 dwellings are located on the corner of Fairfield Road and St Johns Road within a residential part of Heysham.

The dwellings were built following planning permission granted in 2006 (06/00666/FUL). This application was subject to a Section 106 Legal Agreement (S106 Agreement) dated 2 September 2006 that requires that the owner shall not permit the occupation of the dwelling otherwise than by a designated person under an Affordable Rent Tenancy or a Shared Ownership Lease. The dwellings were sold on the basis of 70% purchaser equity and 30% freehold equity.

2.0 The Proposal

2.1 This application seeks to vary the legal agreement in relation to 8 St Johns Road to allow for the current owner of the 70% purchaser equity and the 30% owner equity to sell the property as a 100% market dwelling. The current owner's circumstances have changed and they wish to be able to sell the house to enable them to be free to purchase a dwelling that meets their current needs. This can potentially be done under Section 106A of the Town and County Planning Act where the parties agree to renegotiate.

3.0 Background to the Application and Site History

3.1 The S106 Agreement was signed in 2006 between the Lancaster Roman Catholic Diocesan Trustees and Northern Affordable Homes Ltd. It should be noted that Northern Affordable Homes were not a Registered Provider so the wording of the Section 106 Agreement reflects this. Since the S106 Agreement was signed there has been change in ownership of the 30% freehold for the 14 dwellings (In 2010 Northern Affordable Homes collapsed and the freehold ownership was purchased by two private individuals). In addition there have been a number of changes to the context of how lenders deal with the sale of shared ownership homes. Together the issues, including the original

S106 Agreement lack of restriction on the freehold owner and changes in lending criteria, has resulted in the current S106 Agreement preventing the sale of 8 St Johns Road.

- 3.2 The 2012 Mortgage Review resulted in a change to how high street lenders provide mortgages on shared ownership homes. The result was that lending on shared ownership homes is restricted to properties where the freehold equity is in the ownership of a Registered Provider or Local Authority, and properties which allow the leaseholder to increase the equity share of the property from the 70% to 100%. Additionally, lenders require that, in the event that the leaseholder has defaulted on the mortgage and the lender is seeking the repossession of the property, the mortgagee can sell the property without restriction.
- 3.3 The Section 106 Agreement affecting 8 St John Road, and the other 13 properties, does not require the freehold to be owned by a registered provider and is currently owned by two private individuals. Furthermore, it is standard requirement of mortgage lenders, that a mortgagee is possession clause is included in legal agreements that provide a waiver for affordable housing requirements not to apply in the event of mortgage repossession, which allows the lenders to sell properties free from restrictions to recover the debt as quickly as possible. Combined with the current freehold ownership, this in effect makes the leaseholders' 70% equity of the 14 properties that are subject to the Section 106 Agreement unsaleable.
- 3.4 This has had a direct impact on the owners of the purchaser of the 70% equity at 8 St Johns Road who wish to sell the leaseholders equity to enable them to purchase a house that meets the needs of the family. In 2013 the property was put on the market. An eligible purchaser for the 70% equity was identified and a sale agreed. However the sale of the house was not able to proceed on the basis of the restrictions within the S106 Agreement and the changed requirements of lenders. As a result the leaseholders of the property find themselves in the unenviable position of not being able to sell their property.
- 3.5 Following approach from the freehold and leaseholder owners, the Council's Housing Strategy Officer has explored a number of options to facilitate the sale of 8 St Johns Road and the remaining 13 dwellings in the future.
- 3.6 The first option considered was to secure the purchase of the 14 houses by a Registered Provider. The Council's Housing Strategy Officer approached a number of Register Providers to determine whether there was interest in the purchase of the houses. In, 2013, Adactus Housing Group, as an existing provider of shared ownership units, were identified as the most appropriate Registered Provider to enter into negotiations with the freehold owners. Although some limited negotiations took place, these subsequently broke down because the freehold owners were more interested in a mechanism that would allow them to retain a longer-term interest in the 14 dwellings, and they wished to further pursue alternative options.
- 3.7 The second option considered sought to allow a mechanism within the S106 Agreement that allowed the existing leaseholders to increase their percentage equity share from 70% to 100%, thus allowing the subsequent sale of the property free from restrictions. However, the freehold owners were insistent that they were only willing to sell the 30% retained equity on a leasehold basis, and were intending to set a ground rent which would be applied to the properties. Subsequent negotiations regarding an appropriate and fair notional value also broke down. Had this option been pursued, this arrangement would have required the freehold owners to substantially alter the existing lease to facilitate and implement this arrangement.
- 3.8 A third option considered was for the 30% freehold owners to purchase the 70% leaseholder equity from those residents who have an immediate need to sell their property, subject to the Council agreeing to remove the affordable housing requirements that currently apply to every property. By doing so, the freehold owners would own 100% freehold ownership of those units they acquire and they would then be free to dispose or sub-let the property without restrictions in the same way as any other open market housing unit. As the freehold owners have previously indicated their desire to maintain a longer term interest in the properties, it is envisaged that they would sub-let properties acquired on a market rent.

- 3.9 The freehold owners of the property previously submitted a Variation of Legal Agreement in 2015, reference 15/01046/VLA. This application sought to remove the “*those affordable housing provision which are an obstacle to the lessee obtaining a mortgage thus enabling the lessee to sell and move*”. However, whilst it was originally thought that a deed of variation could be entered into by all parties who have an interest in the land (freehold owners, leaseholders and mortgagees), given there are 14 different parties involved with a number of different mortgage lenders, this will inevitably lead to further delays. Furthermore, the Housing Strategy Officer was contacted by a number of residents and informed that some residents do wish to continue living at their properties on a shared ownership basis and have no imminent intention to move, and see no immediate need for their position to be altered. On that basis, some residents may not have been prepared to enter into such an agreement. As such this was not considered a viable option.
- 3.10 Following lengthy negotiations and deliberations to identify a suitable option to facilitate the sale of the property, it was agreed that the most practical approach would be for leaseholders to apply on an individual basis for the removal of the affordable housing on the basis of a “buy back option” subject to a number of criteria being met. The first criteria would be that the leaseholder owner is willing to sell the 70% equity and that the freehold owner is willing to purchase. The second criteria requires agreement between the leaseholder and the freehold owner of the purchase price for the 70% equity. This purchase price would need to be informed by two independent valuations. It is considered that the current application is the most practical option to allow for the sale of 8 St John (and the remaining 13 dwellings covered by the S106 Agreement as and when the need arises in the future). It is considered that the wording of the Section 106 Agreement can be amended to allow individual leaseholders to exercise a buy back option and seek for the removal of the affordable housing provision for that property, subject to specified criteria.
- 3.11 On the basis of the approach as set out in paragraph 3.10 being considered to be the optimum approach, and following agreement from the freehold owners and the leaseholder of 8 St Johns Road for the freehold owner to “buy back” the 70% equity subject to the removal of affordable housing restrictions, the 2015 Variation of Legal Agreement application has been withdrawn and this application relating only to 8 St Johns has been submitted. It is understood that a purchase price for the 70% equity was negotiated and an acquisition cost has now been agreed between the freehold and leasehold owner informed by two independent valuations.

4.0 Consultation Responses

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

Consultee	Response
Strategic Housing Officer	Support: The council’s Housing Strategy Officer supports this application having been involved with longstanding discussions and negotiations with the owner of 8 St. Johns Road and the freehold owners, as well as consulting Legal Services who obtained counsel’s advice to develop this solution.
Senior Solicitor	Comments that the Section 106 Agreement does need to be varied to enable the dwellings on this site, which are subject to the Section 106, to be sold. The Section 106, as currently worded, means Banks/Chargees will not lend money on these dwellings.

5.0 Neighbour Representations

5.1 There is no statutory requirement to publicise application to vary legal agreements. A letter has been sent to all the residents a copy of which is attached. At the time of writing this report, no representations have been received.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework
- Paragraph 205 (Planning conditions and obligation)

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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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 Development Plan Document (DPD)

- DM41: New Residential Development

6.4 Other considerations

- Meeting Housing Needs SPD (Feb 2013)
- Lancaster Independent Housing Requirements Study (Part 1) (2015)

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*’. Subsequently, it is clear from national planning policy and guidance, local planning authorities should be flexible and should assess any change in circumstances that affect the development.

7.3 The S106 Agreement which relates to 8 St Johns Road and the remaining 13 properties are not able to be sold to potential purchasers who meet the affordable housing criteria as a result of changed restrictions in lending for mortgages. High street mortgage lenders will not provide a mortgage on a shared ownership home unless the freehold owner is a Registered Provider or a Local Planning Authority, and will not provide a mortgage on a shared ownership home which that has restrictions on how properties are re-possessed and disposed of where the leaseholder defaults (mortgagee in

possession clause). The result of this is that the leaseholder of 8 St John is unable to sell and move and has been in this position since 2013.

- 7.4 The purpose of the S106 Agreement was to provide defined person's access to a shared ownership housing product and so facilitate opportunity for home ownership for persons in housing need. The S106 Agreement was never intended to prevent families for being able to sell the leasehold and move up the housing ladder, which has been the effect of the changing lending requirements. As such there is a compelling and pressing requirement for the S106 Agreement to be amended to facilitate the sale of 8 St Johns Road, and any of the remaining 13 properties in the future as this need arises, whilst also ensuring that the leaseholder who want to remain under the current agreement have their existing rights protected. It is clear that officer's, together with the freehold and leasehold owners, have fully considered and negotiated the most practical solution to facilitate the sale of 8 St John whilst protecting the leaseholder rights of the 13 remaining properties.
- 7.5 The effect of negotiated position would result in the sale of 8 St John's Road to the freehold owner who would then own the property 100% outright, and this property would be free of affordable housing restriction. The intention of the S106 Agreement was in this case to ensure that shared ownership homes would be available to the market in perpetuity. The development has to date facilitated 14 households into home ownership which is has contributed to meeting the Districts housing needs.
- 7.6 National and local policy position seeks to boost the supply of housing and plan for a mix of housing to appropriately meet local needs and demands. Furthermore the Meeting Housing Needs SPD (2013) and the Lancaster Independent Housing Requirements Study (Part 1) (2015) clearly identify an outstanding affordable housing need including for shared ownership homes. Indeed, whilst not directly relevant to existing developments subject to S106 Agreements, policy position (DM41) is clear that proposals for new residential development that would result in a net loss of existing affordable dwellings must provide replacement dwellings on site or where this cannot be achieved then appropriate alternative site, further it sets out where restrictive conditions are removed financial contributions to affordable housing should be made. As such, it is only in exceptional circumstances can the removal of affordable housing provision be considered.
- 7.7 Given that this is a completed development which maximised the development of the site an on-site provision would not be possible. Whilst an off-site provision or financial contribution may be theoretically possible, it would be unreasonable to require that this be provided as it would only result in the likely refusal of the freehold owner to purchase the leaseholders 70% equity share or it may result in the potential market value of the leaseholders 70% equity share being negatively affected. Removing affordable housing provisions is not a decision that should ever be taken lightly, but is considered that the extenuating circumstances of this case involved and the limited control that officers can exercise in arriving at an alternative solution, that this is the only practical solution.

8.0 Planning Obligations

- 8.1 This application seeks in principle approval for the Local Planning Authority to reword the S106 Agreement to facilitate a "Buy-Back" option to allow for the freehold owner to purchase the 70% leaseholder equity to allow 100% freeholder ownership free of any affordable housing restrictions, subject to the agreement of the freehold owner and leasehold owner to enter into such an agreement, and agreement between the freehold owner and leasehold owner to an appropriate purchase price for the 70% equity informed by two independent valuations.

9.0 Conclusions

- 9.1 Due to changes in the lending criteria for mortgages the existing S106 Agreement prevents the sale of the 8 St John's Road, and the remaining 13 properties subject to this agreement, to an eligible purchaser. This has resulted in the leasehold owners of 8 St John Road being unable to sell and upsize since 2013. The change in market conditions since 2006 and the freeholder ownership being with private individuals rather than a Register Provider has resulted in exceptional circumstances that can only be practically be resolved to the satisfaction of the Local Planning Authority, the freeholder and leasehold owners of the 14 properties at St Johns Road with the proposed "buy back" option. On this basis it is recommended that the approval be given for Officer's to proceed to negotiate a Deed of Variation. This case shall be closed once the Deed of Variation has been executed and sealed by the Council.

Recommendation

That Members are recommended to **approve** the following;

- (i) A Deed of Variation to make provisions to allow for a leaseholder “buy back option” to be exercised on 8 St Johns Road and for the resulting 100% freehold ownership to be free of any affordable housing restrictions.
- (ii) Any future applications for Variation of Legal Agreements to the remaining 13 properties constructed under 06/00666/FUL to be delegated to Officer’s to determine.

Background Papers

None.

<p align="center">Agenda Item</p> <p align="center">A10</p>	<p align="center">Committee Date</p> <p align="center">26 June 2017</p>	<p align="center">Application Number</p> <p align="center">17/00466/CU</p>
<p align="center">Application Site</p> <p align="center">Sea View Ringstones Lane Lowgill Lancaster</p>	<p align="center">Proposal</p> <p align="center">Change of use and conversion of redundant agricultural buildings to a single storey dwelling and a domestic storage and garage</p>	
<p align="center">Name of Applicant</p> <p align="center">Mr George Morphet</p>	<p align="center">Name of Agent</p> <p align="center">Mr Andrew Tait</p>	
<p align="center">Decision Target Date</p> <p align="center">Extension of time agreed until 30 June 2017</p>	<p align="center">Reason For Delay</p> <p align="center">Committee Cycle</p>	
<p>Case Officer</p>	<p>Mrs Eleanor Fawcett</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Jane Parkinson for the application to be reported to the Planning Committee and for a site visit to be undertaken. The reason for the request is that the site is sustainably located close to High Bentham, is brownfield and would be greatly enhanced by the proposed application as it would transform the current buildings from semi-derelict to an attractive dwelling and there have been a number of barn conversions in the area.

1.0 The Site and its Surroundings

- 1.1 The application relates to a traditional agricultural barn located on a small farm complex at the eastern edge of the district, close to the boundary with Yorkshire. It is within an open moorland area, containing scattered dwellings and small groups of agricultural buildings. The site is located approximately 3 kilometres from the very small dispersed settlement of Lowgill and approximately 3.6 kilometres from the larger settlement of High Bentham, which is outside the District. The barn is constructed of stone with, what appears to be, a stone flagged roof and is attached to the existing farmhouse, Sea View. There is a single storey stone lean-to on the south east and south west elevations of the building, most of which has a slate roof but part is corrugated metal. To the south east of the barn and dwelling is a relatively small group of agricultural buildings, constructed of a mix of stone and metal sheeting.
- 1.2 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Burn Moor Biological Heritage Site is located adjacent to the site to the east.

2.0 The Proposal

- 2.1 Planning permission is sought for the change of use of the main part of the barn to a domestic store and garage in association with the existing dwelling, Sea View House. The lean-to on the side and rear elevations is proposed to be converted to a two bedroom bungalow, with a garden area to the southeast. The submission sets out that the new dwelling will be connected to the existing septic

tank.

3.0 Site History

3.1 There have been two relatively recent planning applications at the site for the conversion of the barn and lean-to to two new dwellings. The second of these was also the subject of an appeal which was dismissed. The application was refused for the following reasons:

1. *The site is located within the open countryside, divorced from services and as such is not considered to be sustainable in terms of its location. It is not considered that there are any special circumstances, in this instance, to justify two new dwellings in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.*
2. *The proposed alterations to the building do not respect the character and appearance of the former agricultural barn and are overly domestic in appearance. The domestic curtilage will also extend into the adjacent open field and result in associated paraphernalia being visible from the surrounding landscape, to the detriment of the character and appearance of the site and surroundings, which is within a very open and isolated position in the Forest of Bowland Area of Outstanding Natural Beauty. It is therefore considered that the scheme will have a detrimental impact on the character and appearance of the designated landscape and the non-designated heritage asset and its setting, contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7, Section 11 and Section 12, and policies DM8, DM28, DM33, DM35 and DM42 of the Development Management Development Plan Document.*

3.2 The relevant site history is set out below:

Application Number	Proposal	Decision
17/00097/PREONE	Level 1 pre-application enquiry for the conversion of barn to a dwelling	Advised unlikely to be acceptable.
16/00669/CU	Change of use of agricultural buildings to two dwellings (C3)	Refused and appeal dismissed
16/00052/CU	Change of use of agricultural buildings to two dwellings (C3) and erection of a single storey front extension	Refused

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Support the application as it would produce much needed housing stock for the parish.
Environmental Health	No comments received within the statutory timescale.
County Highways	No objection subject to a condition requiring the surfacing of the track with a bound material for a distance of 10 metres from the highway.
Lancashire Archaeological Advisory Service	No objection subject to a condition requiring a programme of building recording and analysis.

5.0 Neighbour Representations

5.1 11 pieces of correspondence have been received in support of the planning application. These raise the following points:

- The site is not isolated and will not put pressure on services; there are electricity, mains

water and high speed internet access at the site and services nearby in High Bentham and Lowgill which the dwelling will support; a new dwelling here would not be unsustainable.

- Will provide a use for a redundant building, which is an integral part of the landscape; will enhance the settlement and the character of the countryside and will improve the appearance of the site;
- Barn conversions should be the way forward to increase the building stock in the area;
- There have been other recent developments in the vicinity of the site and many neighbouring farms have converted barns to dwellings; and,
- No detrimental impacts on neighbouring properties

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

Paragraph 32 – Access and Transport

Paragraphs 49 and 50 – Delivering Housing

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraph 115 – Areas of Outstanding Natural Beauty

Paragraphs 117 and 118 – Biodiversity

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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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

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

E3 – Development affecting Areas of Outstanding Natural Beauty

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted July 2014)

DM7 – Economic Development in Rural Areas
DM8 – The re-use and Conversion of Rural Buildings
DM20 – Enhancing Accessibility and Transport Linkages
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM33 – Development Affecting Non-Designated Heritage Assets or Their Settings
DM35 – Key Design Principles
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential Development
DM42 - Managing Rural Housing Growth

6.6 Other Material Considerations

Forest of Bowland Landscape Character Assessment.

7.0 Comment and Analysis

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

- Principle of the development
- Design and impact on the AONB
- Impact on residential amenity
- Highway safety and parking provision
- Ecological implications
- Contaminated land, and,
- Drainage

7.2 Principle of development

7.2.1 The site is located in the open countryside, divorced from any of the villages identified in Policy DM42 as being suitable for new residential development. The nearest of these within our district is Wray, which is approximately 9 kilometres, by road, to the north-west. The settlement of High Bentham, which is outside the District, also contains services, and this is closer being located approximately 3.6 kilometres to the north. There are no bus services close to the application site and anyone living in this location would be wholly reliant on private transport. The site is therefore considered to be in an unsustainable location where new dwellings would not usually be supported. This opinion was supported by the Planning Inspectorate in their recent decision to refuse permission for the most recent appealed planning application. The case put forward by the agent was that the site was sustainable for the countryside, given the number of services within High Bentham and Lowgill. The Planning Inspector considered this, and her subsequent appeal decision sets out that: *“The road network does not lend itself to safe and convenient use by pedestrians or cyclists and as such I consider it likely that occupiers of the proposed dwellings would be heavily reliant on the use of motor vehicles to access facilities and services, particularly given the apparent lack of any public transport facilities nearby. Consequently the appeal site is not in an accessible location and the proposed dwellings would be isolated homes in the countryside.”*

7.2.2 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of these is the re-use of redundant or disused buildings where it would lead to an enhancement to the immediate setting. The previous proposal related to the conversion of the barn and lean-to to two dwellings. The Inspector’s decision set out that the proposal would not lead to an enhancement of the immediate setting and would be out of keeping with its surroundings which is generally characterised by open moorland and improved pasture and would therefore not meet the special circumstances set out in paragraph 55.

7.2.3 The current proposal for the new dwelling now only utilises the existing single storey element to the

side and rear of the main part of the barn. Whilst the alterations are more sympathetic than the previous proposals, as the scheme does not propose new domestic openings to the main structure, and the garden area would extend into the yard area associated with the farm rather than the open field, it is considered that this would not lead to a clear enhancement to the setting of the building. The scheme would remove a small stone and brick outbuilding but it would propose an enclosed garden area to the front and side which would result in some domestication to this end of the barn. It is considered that the small structure to be removed does not currently cause harm to the setting of the building. The Inspector considered the benefits of securing the retention of the barn in the appeal decision and she was not satisfied that the proposal was the only available means to retain the non-designated heritage asset. The current application proposes the retention of the main part of the barn, which has the most architectural merit, through the conversion to a garage and store associated with the existing dwelling. It is therefore considered that the new dwelling is not required to allow the building to be retained.

7.2.4 The submission refers to a number of decisions for barn conversion in the area, and this was also raised and considered as part of the previous application. As the Planning Inspector stated in her decision, the proposal must be determined on its own merits. In any case, some of the examples cited were prior to the Lancaster District Core Strategy adoption in 2008, so those applications were determined on the basis of different policies so they are not relevant to the current proposal. With regard to the others:

- 09/00409/FUL – Extension of dwelling into attached barn - Craggs Farm, Craggs Lane, Tatham. This provided ancillary accommodation and was not a new dwelling.
- 12/00292/CU – Conversion of Lowgill Methodist Church to one dwelling. This is located within the small settlement of Lowgill and is much better-related to the existing built up form. It was considered that the historic integrity and the retention of the church building, which is an important heritage asset, was a reasonable justification to permit the conversion.
- 12/00848/FUL & 12/00849/LB - Conversion of barn to form an extension to existing family home at Green Hall Farm Craggs Lane Tatham. This related to ancillary accommodation to an existing dwelling. It was not a new independent dwelling.

7.2.5 The Inspector also had regard and some sympathy for the applicant's desire to remain living at the appeal site, and noted that there was a significant amount of local support for the applicant and the proposal. However, the appeal decision went on to say that this does not justify the proposal which, for the reasons stated, is contrary to relevant development plan policies and the Framework. Although the current application only proposes the creation of one dwelling, with less intervention to the building than the previous proposal, it is considered that the scheme will not lead to an enhancement of the setting of the building. Therefore, it does not overcome all of the previous reasons for refusal and dismissal of the appeal as it would result in a new isolated dwelling in the countryside without any justification in terms of special circumstances.

7.3 Design and impact on the Area of Outstanding Natural Beauty (AONB)

7.3.1 The site is located within the Forest of Bowland in a relatively exposed and open position. The Forest of Bowland Landscape Character Assessment classifies the landscape within which the site is located as Moorland Fringe and the land immediately to the north east of the existing parking area as Unenclosed Moorland Hills. The landscape is very open in this location and does contain some characteristics typical of the latter character type, with it being open and exposed with a strong sense of remoteness and tranquillity. It is very much on the fringe of the moorland area. The barn to be converted is attached to an existing dwelling, Sea View. A building of a similar size to the stone barn and dwelling is shown on the first addition Ordnance Survey Map (c.1845). Given the age and limited alterations that have been made to the agricultural barn, this is considered to be a non-designated heritage asset.

7.3.2 The building contains very limited openings in the front elevation. The lean-to extends along the side and rear of the main part of the barn and contains some openings. This part of the building appears to be in a poorer state than the main barn, and may need to be demolished and re-built. The submission sets out that the building has been inspected and is capable of conversion, however no structural survey has been submitted with the application. The roof of the lean-to extends to just under the eaves of the main barn and it finished in a mix of slate and corrugated sheeting. The roof of the main building is stone flags.

- 7.3.3 The application proposes the conversion of the main part of the barn into a store and garage associated with the existing dwelling and the conversion of the lean-to into a two bedroom dwelling. No new openings are proposed in the main part of the barn, and new timber doors are proposed to be fitted to the cart door opening. The conversion of the lean-to element predominantly reuses existing openings, with one new window and one roof light in the rear elevation and two new roof lights in the side elevation. The treatment of the larger opening in the side wall is quite domestic and could be more sympathetic. However, the precise details of this could be adequately covered by a condition. The part of the roof currently covered in corrugated sheeting is proposed to be replaced in slate. It is considered that the alterations are sympathetic to the character and appearance of the building and area in general.
- 7.3.4 The scheme proposes the removal of one small outbuilding. The site and adjacent land is quite untidy, but relatively well contained. It is unclear how much impact the proposal would have on this, in terms of approving its appearance, as the small farm complex is still proposed to be retained. The proposal will create a domestic curtilage to the side of the building, but no longer encroaches into the adjacent field, as was proposed with the previous application. Given that the proposed garden area will be wholly contained within the existing farm yard, it is considered that this will not have a detrimental impact on the character or appearance of the AONB. The location of the garden areas to the front and side will introduce domestic elements to this end of the barn, however it is considered that this would not have a significant adverse impact on the character and appearance of the barn and its setting, although it would not be an enhancement.
- 7.4 Impact on residential amenity
- 7.4.1 The only nearby neighbouring property is Sea View House which is attached to the barn. Given that the proposals are contained within the existing building, and the position of the garden of the new dwelling, it is considered that the proposal will not have a detrimental impact on residential amenity. The site is adjacent to existing farm buildings, but it does have a separate drive and as such farm machinery will not have to pass the dwelling to reach the farm yard. The new dwelling is quite close to the farm enterprise and the submission indicates that it is the intention of the applicant to move into this dwelling from Sea View House and continue to operate the farm enterprise. All of the garden is now between the yard and the dwelling which increases the likelihood that residential amenity could be impacted by the development. However, the occupation of this dwelling could be linked to the use and ownership of the farm buildings and yard.
- 7.5 Highway safety and parking provision
- 7.5.1 County Highways have raised no objections, but have requested a condition requiring the surfacing of the first 10 metres of the access road in a bound material. This was not raised previously, however there will be an increase in vehicles using the track and its improvement would be reasonable to request by condition. Sufficient parking is proposed to serve the new dwelling.
- 7.6 Ecological implications
- 7.6.1 A bat survey has been submitted with the application. This involved the inspection of the buildings in December 2015. This sets out that at a first glance the main barn was ideal for bats, there were multiple gaps that could allow bats to gain access. The milking parlour has a corrugated asbestos sheet roof, which has limited potential for crevice roosting bats. However, there were numerous potential access points to the inside of the building. These included doorways that were not fully sealed or open, and access between adjoining extensions. The shippon had a slate roof which had holes in it and was in a poor state of repair with numerous gaps located between cracked/slipped slates. Additionally, there were open windows and numerous gaps between the stone walls which were bulging and in risk of failure. Finally, the small brick shed was inspected and this was found to be well sealed and offered no potential for bats. The report sets out that whilst there were a number of potential locations for bats to roost inside the buildings, no signs of recent or historic bat activity were found. It concludes that in line with BCT guidelines (2012), development may go ahead without the need for further surveys. However, as the barn, shippon and milking parlour will be re-roofed it is recommended that an ecological clerk of works is present to oversee the roof renovation.

7.7 Contaminated land

7.7.1 The contaminated land officer previously has requested a preliminary risk assessment and further investigation and remediation if necessary. This is considered appropriate, given the agricultural use of the building, and can be controlled by condition.

7.8 Drainage

7.8.1 The submission sets out that Sea View Farmhouse is served by an existing septic tank, which will be utilised for the new development. No information has been provided in relation to the capacity of this, but it could be conditioned to ensure that the new dwelling benefits from adequate drainage.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed dwelling will be formed by the conversion of part of a redundant barn, however this would not result in an enhancement to the setting of the building, for the reasons set out above. It is therefore considered that the proposal fails to comply with the exceptional circumstances set out paragraph 55 of the NPPF in order to justify a new dwelling in this isolated location within the countryside. The Council cannot currently demonstrate a five year supply of deliverable housing sites.

9.2 In accordance with paragraph 49 of the NPPF, the Planning Inspector for the previous application considered that Policy DM42 was a relevant policy in relation to the supply of housing and could not be considered up to date. Paragraph 14 of the NPPF sets out that at the heart of the NPPF is a presumption in favour of sustainable development and where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies indicate development should be restricted.

9.3 There are three dimensions to sustainable development: economic, social and environmental. Taking on board the assessment that was made by the Inspector in assessing the planning appeal for the previous proposal, there would be some modest economic benefits by providing employment during the construction period and by supporting the local economy. There would also be some environmental benefits resulting from the retention of the building, although the more significant part of the building is not the part being converted to a dwelling, and possibly from the removal of the small outbuilding. The proposal would provide one additional dwellings and contribute to the range of housing available in the local area, however occupants would be wholly reliant on private transport to reach services. Whilst the current proposal would be unlikely to have a significant impact on the character and appearance of the area, it is considered that the adverse impacts in terms of a new isolated dwelling in the open countryside would significantly and demonstrably outweigh the very limited benefits when assessed against the policies in the NPPF taken as a whole.

9.4 This conclusion is consistent with that of the Planning Inspector in December 2016. Therefore the proposal is not acceptable in light of the presumption in favour of sustainable development, and is contrary to the relevant Development Plan policies and the NPPF.

Recommendation

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

1. The site is located within the open countryside, divorced from services and as such is not considered to be sustainable in terms of its location. It is considered that there are no special circumstances, in this instance, to justify a new dwelling in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.

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

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

In accordance with the above legislation, the City Council can confirm that it has taken a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission of the application, the resulting proposal is unacceptable for the reasons prescribed in this report.

Background Papers

1. Planning Inspectorate Appeal Decision – Sea View Farm, Ringstones Lane, Lowgill (22 December 2016). Ref: APP/A2335/W/16/3158144.

Appeal Decision

Site visit made on 29 November 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2016

Appeal Ref: APP/A2335/W/16/3158144

Sea View Farm, Ringstones Lane, Lowgill, Lancashire LA2 8RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr George Morphet against the decision of Lancaster City Council.
 - The application Ref 16/00669/CU, dated 25 May 2016, was refused by notice dated 12 July 2016.
 - The development proposed is change of use and conversion of existing redundant agricultural buildings to form two dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council considered drawing number 1845-10C when making its decision. The appellant has submitted a revised drawing numbered 1845-10D with the appeal in an attempt to overcome some of the Council's concerns regarding the proposal. The revised drawing shows a number of amendments to the proposed window openings and a change to the boundary treatment for the rear gardens. In my view the amendments do not materially alter the proposal. As such I do not consider that any party would be unfairly prejudiced by me determining the appeal having regard to the amended drawing and I have therefore had regard to it in reaching my decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and the surrounding area;
 - Whether the principle of the proposed dwellings in such a location is acceptable having regard to local and national policy;
 - Whether the proposal is acceptable in light of the presumption in favour of sustainable development.
-

Reasons

Character and appearance

4. The appeal site comprises an existing part two storey, part single storey traditional barn building constructed from stone under roofs comprising stone, slate and corrugated sheeting. The barn contains a limited number of window and door openings. When determining the application the Council considered the building to be a non-designated heritage asset and given the apparent age and the character of the barn and its association with the wider agricultural landscape I have no reason to disagree with their findings and have determined the appeal accordingly.
5. The barn is located within a small farmstead and is attached to a traditional two storey farmhouse with a number of more modern agricultural buildings also located within the farmstead. The appeal site is located in an open and isolated rural location within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) with the immediate surrounding area comprising improved pasture and moorland.
6. Though the proposal to convert the barn to two dwellings does not include any extensions, substantial alterations to the host building are proposed. As stated the host building contains a limited number of window and door openings and a significant number of new openings including rooflights are proposed as part of the conversion scheme. These new openings and other alterations including the addition of a number of external flues would result in the loss of the building's simple, utilitarian agricultural character. The appearance of the east elevation in particular would be significantly altered and I do not consider that the proposed alterations to the host building are sympathetic to the non-designated heritage asset.
7. In addition the rear garden areas of the proposed dwellings would extend out into an area of undeveloped improved pasture, beyond the line of the rear garden of the adjacent farmhouse. Though the size of the rear garden areas would be reasonably modest and whilst I note that the revised drawing shows that the rear garden boundaries would be formed by new stone walls, the new gardens would nevertheless encroach out into an undeveloped part of the AONB. At my visit I noted that despite the presence of nearby buildings on the farmstead and the topography of the land, the rear elevation of the host building and the area of land behind it within which the gardens would be formed are clearly visible from various vantage points along Ringstones Lane. The formation of the garden areas and their use for domestic purposes would alter and be harmful to the existing rural and open character of the area and would adversely affect the setting of the host building.
8. In reaching my decision I have had regard to the fact that the proposal would retain the non-designated heritage asset which may otherwise fall into further disrepair and would also involve the demolition of a number of existing outbuildings. However I note that the outbuildings are relatively modest buildings and whilst their demolition would help to improve the setting of the host building and improve the appearance of the wider farmstead, these benefits would not outweigh the harm that I have identified. In addition from the evidence available I am not satisfied that the proposal is the only available

means to retain the non-designated heritage asset. I also note the appellant's willingness to make further amendments to the elevational treatment if required but I must determine the proposal as shown on the submitted plans and consider that the extent of the alterations that are likely to be required could not be dealt with by the imposition of a condition.

9. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the host building and the surrounding area. It is therefore contrary to the development plan and in particular policies DM8, DM28, DM33, DM35 and DM42 of the Local Plan for Lancaster District 2011-2031 Development Management DPD (DMDPD) and to relevant paragraphs of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to protect the character of rural buildings and the character, rural setting and appearance of the surrounding landscape; to conserve and enhance protected landscapes; to ensure alterations to non-designated heritage assets are designed sympathetically and that the setting of the asset is protected and to contribute positively to the character of the area through good design.

Principle of development

10. The appeal site is located in an isolated position, some distance from other buildings and dwellings and from the small settlement of Lowgill and the larger settlement of High Bentham. The proposal would result in two new dwellings in an isolated location in the open countryside.
11. Policy DM42 of the DMDPD controls new housing in rural locations and states that new homes in isolated locations will not be supported unless clear benefits of development are articulated and these benefits outweigh the dis-benefits of development in an isolated location. The policy states that the special circumstances where potential benefits of isolated development may lead to more favourable consideration are described in paragraph 55 of the Framework.
12. Policy SC1 of the Lancaster District Core Strategy (CS) seeks to ensure that new development proposals are as sustainable as possible and sets out a number of principles that the Council will apply in determining whether development is sustainable. Policy DM20 of the DMDPD states that proposals should minimise the need to travel, particularly by private car and maximise the opportunities for the use of walking, cycling and public transport. I have had regard to the appellant's view that negligible weight should be attached to Policy SC1 given its age and given the advice regarding rural buildings in the Framework. However I do not agree as I consider that the policy is not inconsistent with the Framework which also seeks to support patterns of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. Consequently in reaching my decision I have given significant weight to Policy SC1.
13. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It further states that isolated new homes in the countryside should be avoided unless there are special circumstances such as those listed. This includes where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

14. The appellant considers that in light of the submitted sustainability statement and the number of services available within 3.5km of the appeal site, it is sustainable for a site in the countryside. However I note from the submitted evidence and from my site visit that the appeal site is located some distance from the limited facilities in Lowgill and even further from the wider range of facilities at High Bentham. The road network between the appeal site and local facilities in the main comprises undulating, narrow and unlit rural lanes with no footpaths. The road network does not lend itself to safe and convenient use by pedestrians or cyclists and as such I consider it likely that occupiers of the proposed dwellings would be heavily reliant on the use of motor vehicles to access facilities and services, particularly given the apparent lack of any public transport facilities nearby. Consequently the appeal site is not in an accessible location and the proposed dwellings would be isolated homes in the countryside.
15. Though both main parties agree that the host building is redundant and whilst I acknowledge that the removal of outbuildings and any associated tidying up of the site would help to improve the immediate setting of the building, for the reasons previously stated this benefit would be outweighed by the harm to the setting that would result from the proposed garden areas. The proposal would not therefore lead to an enhancement of the immediate setting and would be out of keeping with its surroundings which is generally characterised by open moorland and improved pasture. I do not consider that the proposal would meet the special circumstances test set out in paragraph 55 of the Framework.
16. In reaching my decision I have had regard to the fact that in some circumstances planning permission is not required for the change of use of former agricultural buildings to dwellings. However planning permission is required for the proposal and for the reasons stated, it is contrary to relevant policies. My attention has been drawn to a number of other sites where the Council has granted planning permission for the re-use of buildings for residential purposes. However I am not aware of the details or the particular circumstances relating to these examples and in any event I must determine the proposal before me on its own merits.
17. Taking the above matters into consideration, I conclude that the principle of the proposed dwellings in such a location is not acceptable having regard to local and national policy. The proposal is therefore contrary to the development plan and in particular Policy SC1 of the CS and policies DM20 and DM42 of the DMDPD. These policies seek, amongst other things, to direct development to sustainable locations and restrict new housing development in rural areas. I consider that they are consistent with the Framework when taken as a whole. The proposal would also conflict with paragraph 55 of the Framework as it proposes isolated homes in the countryside without any justification in terms of special circumstances.

Sustainable development

18. Both parties agree that the Council cannot currently demonstrate a five year supply of deliverable housing sites. As such, in line with paragraph 49 of the Framework relevant policies for the supply of housing should not be considered up to date. I consider that Policy DM42 of the DMDPD constitutes such a policy.

19. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
20. The proposal would have some modest economic benefits by providing employment during the construction period and by supporting the local economy. There would also be some environmental benefits resulting from the retention of the non-designated heritage asset and from the removal of some outbuildings. The proposal would provide two additional dwellings and contribute to the range of housing available in the local area. However these benefits would be limited given that only two dwellings are proposed. The adverse impacts in terms of isolated dwellings in the open countryside and harm to the character and appearance of the host building and the surrounding area would significantly and demonstrably outweigh these limited benefits when assessed against the policies in the Framework taken as a whole.
21. I therefore conclude that the proposal is not acceptable in light of the presumption in favour of sustainable development.

Other Matters

22. In reaching my decision I have had regard to and have some sympathy for the appellant's desire to remain living at the appeal site. I also note that there is a significant amount of local support for the appellant and his proposal. However this does not justify the proposal which, for the reasons stated, is contrary to relevant development plan policies and the Framework.

Conclusion

23. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

Agenda Item A11	Committee Date 26 June 2017	Application Number 17/00140/FUL
Application Site 5 Cheapside Lancaster Lancashire LA1 1LY	Proposal Change of use of shop (A1) to restaurant (A3) and installation of a flue to the rear	
Name of Applicant Mr Ali Ezdi	Name of Agent Greg Gilding	
Decision Target Date 12 May 2017	Reason For Delay Committee Cycle	
Case Officer	Ms Holly Levy	
Departure	Yes	
Summary of Recommendation	Approve with Conditions	

(i) Procedural Matters

The proposed development would normally fall within the Scheme of Delegation. However, the land to which this application relates is in the ownership of Lancaster City Council, as such the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application is an existing, council owned unit situated on the eastern side of Cheapside close to Ashton Walk within Lancaster City Centre. At present the premises are unoccupied and the property has been vacant since October 2012, but it has previously been used for retail (A1 use) and has been marketed that way.
- 1.2 The property is a two story building with an attic and a shop frontage at ground floor level, and is part of a non-designated local heritage asset across both sides of Cheapside. Both of the neighboring units are currently operating within the A3 use class (No. 2-6 Costa Coffee and No. 7 Esquires Coffee).
- 1.3 Cheapside forms one of the main pedestrian shopping streets in the center of Lancaster, and is designated as a Primary Retail Frontage area. The property appears to date from the early 20th century, and is a positive building within the streetscape, situated within the Lancaster Conservation Area under the City Centre designation. Cheapside is an established retail area dating back to the 19th Century as a main shopping street.

2.0 The Proposal

- 2.1 Planning permission is sought for the change of use of this unit from a shop (A1) to a Turkish Restaurant (A3) and the installation of a flue to the rear.

3.0 Site History

- 3.1 No relevant planning history is held by the local planning authority for this address; however a similar

application has been permitted by the Local Planning Authority at No. 7 Cheapside in 2011 (11/00923/CU). Most recently an application for the change of use of No. 24 Cheapside from a Café to a betting shop was refused by the Local Planning Authority and over turned on appeal by the Planning Inspectorate (Appeal Ref: APP/A2335/W/16/3157337).

4.0 Consultation Responses

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

Consultee	Response
County Highways Dept.	No objections received within the statutory timescales.
Environmental Health	No objections received within the statutory timescales.
Conservation Section	No objections received within the statutory timescales.
Property Services	No objections received within the statutory timescales.

5.0 Neighbour Representations

5.1 No observations received within statutory timescale.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)
 Paragraph 17. Core planning principles
 Section 2. Ensuring the vitality of town centres
 Section 7. Requiring Good Design
 Section 12. Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

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

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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)
ER4 – Town Centres and Shopping
SC1 – Sustainable Development
SC5 – Achieving Quality in Design
E1 – Environmental Capital
- 6.4 Lancaster District Local Plan - saved policies (adopted 2004)
S4 Lancaster City Centre Primary Retail Frontages
- 6.5 Development Management Development Plan Document (adopted July 2014)
DM1: Town Centre Development
DM2: Retail Frontages
DM5: The Evening & Night-time Economy
DM31: Development affecting Conservation Areas
DM33: Development Affecting Non-Designated Heritage Assets or their Settings
DM35: Key Design Principles
- 6.6 Other Material Considerations
Lancaster Conservation Area 3 – City Centre

7.0 Comment and Analysis

7.1 The main issues are:

- The Acceptability of the Use; and,
- The Impact on the Lancaster Conservation Area.

7.2 Acceptability of Use

7.2.1 This unit is located within Lancaster City Centre and has been vacant since October 2012 with ad hoc temporary occupations by Lancaster University and Army Recruitment. Prior to this the property had operated as a retail unit (A1 Use).

7.2.2 The building forms part of a designated Primary Retail Frontage, which are identified due to their importance to the town centre. DM DPD Policy DM2 is relevant and states that *“The primary purpose of this policy is to promote town centre A1 retail uses on prime frontages within the defined town centre boundary which can generate active street frontages during normal daytime trading hours”*. The policy further states that *“proposals within primary retail frontages which involve the change of use of ground floor premises to non-A1 uses will only be permitted where:*

- 1. All adjoining frontages have an A1 retail use which generates an active street frontage during normal daytime trading hours; and*
- 2. The proposal ensures that all uses on the ground floor provide an active street frontage that would be open during normal daytime trading hours; and,*
- 3. The proposal does not result in the proportion of non-A1 uses exceeding 20% of continuous retail frontage.”*

7.2.3 The units on either side of the appeal property are currently in non-A1 use, both properties are operating as coffee shops (A3 Use) and the proposal would therefore fail to comply with criterion (i) of Policy DM2.

7.2.4 Additionally the primary retail frontage of which the application site forms part of, measures approximately 187.5m in length. There are 3 current units operating within A3 uses (No. 2-6 Cheapside, No. 7 Cheapside and No. 1 Rendsburg Way) within this primary retail frontage which have a combined frontage operating in a non-retail uses as 47.5m. Accordingly, currently 25% of this continuous retail frontage is already operating within A3 uses contrary to criterion (iii) of Policy DM2.

7.2.5 Since it became vacant in October 2012 the unit was marketed externally by way of a chartered surveyor (Morgan Martin), without success. The City Council has since taken the marketing of the unit in house, a To-Let sign has been located at the unit and it appears on both the Council’s website and third party websites, including Costa. During this time there has only been one interested party

prior to the applicant, however sufficient rent was not offered to secure the premises.

- 7.2.6 The applicant proposes the use of the premises as a Turkish restaurant with the proposed opening hours of 08.00-23.00 Monday to Thursday, 08.00-02.00 Friday and Saturdays and 10.00 to 23.00 on Sundays and Bank Holidays.
- 7.2.7 Whilst the proposal represents a departure from Policy DM2, the proposed opening hours would still provide an active street frontage during normal daytime hours and the proposed use would attract levels of footfall that would support the vitality of the area, which whilst not an A1 use, is the aim of the policy.
- 7.2.8 In 2016, the Local Planning Authority refused an application for the change of use of No. 24 Cheapside from a café (A3) to a betting shop (sui-generis) on the grounds that the proposal did not meet the policy requirements of Policy DM2, in that it was a non-retail use proposed within a Primarily retail frontage. The Local Authority's decision was overturned on appeal by the Planning Inspector, who reasoned that the property had been vacant for almost 2 years and the proposed opening hours would provide an active street frontage and bring the unit back into use, which overall would have a positive impact on the vitality and viability of the city centre. Whilst that appeal decision does not set a precedent (relating to a different site), and accepting that each case is considered on its own merits, the lack of an appropriate tenant in the intervening 4.5 years at the application site is a material consideration.
- 7.2.9 On balance, and assuming that the opening hours will ensure daytime opening, there would be no harm to the vitality and viability of the centre arising from the development. The proposal would bring this unit back into use which would also support the vitality of the area.

7.3 Impacts upon the Lancaster Conservation Area

- 7.3.1 The only external alteration proposed to the building is the installation of a flue to the rear, to be used in connection with the proposed A3 use. The rear of the property is contained within a secure internal court yard and is not publicly visible. Given this, it is considered that the proposal will not have an undue impact on the setting, character or significance of the Conservation Area (DM Policy 31) and is therefore considered to be acceptable. Environmental Health have also raised no operational objections with regard to the proposed flue.
- 7.3.2 Therefore the proposal is considered to be consistent with policy DM31 and NPPF Section 7 and Section 12.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 For the above reasons, it is considered that the development would not harm the vitality and viability of Lancaster City Centre. Whilst it would not strictly accord with Policy DM2 of the Lancaster District Development Management DPD (2014) no harm would arise from this conflict.
- 9.2 The development would bring a prominent vacant unit back into use, which would support the vitality of the town centre. Consequently it is considered that, these considerations outweigh the failure to comply with the development plan in this specific instance. In this regard, the proposal would also be in accordance with the National Planning Policy Framework, which seeks to support the vitality and viability of town centres.
- 9.3 To ensure that the unit provides restaurant-style seating, a further internal layout plan has been requested. The aim of this is to ensure that the internal layout is genuinely laid out as a restaurant (to avoid a situation where a couple of chairs and tables are provided, but the unit becomes used for a quasi-restaurant/takeaway use, which then has planning enforcement implications. Details of this amended plan will be presented verbally to Members.

Recommendation

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

1. Standard three year time condition
2. Development to accord with plans
3. Opening Hours (0800-2300 Monday to Friday; 0800-0200 Saturday, and 1000-2300 Sunday)

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 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>Agenda Item</p> <p>A12</p>	<p>Committee Date</p> <p>26th June 2017</p>	<p>Application Number</p> <p>17/00361/FUL</p>
<p>Application Site</p> <p>Land Adjacent To Railway Bridge St Georges Quay Lancaster Lancashire</p>		<p>Proposal</p> <p>Siting of a temporary sales cabin with associated parking</p>
<p>Name of Applicant</p> <p>Rachael Graham Persimmon Homes</p>		<p>Name of Agent</p> <p>N/A</p>
<p>Decision Target Date</p> <p>6th June 2017</p>		<p>Reason For Delay</p> <p>Committee Cycle</p>
<p>Case Officer</p>		<p>Mr Robert Clarke</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Approval</p>

(i) Procedural Matters

The proposed development would normally fall within the Scheme of Delegation. However, the land to which this application relates is in the ownership of Lancaster City Council, as such the application must be determined by the Planning Committee and Highways Regulatory Committee.

1.0 The Site and its Surroundings

1.1 The site which forms the subject of this application is a parcel of land located to the north of St Georges Quay, immediately to the west of Carlisle Bridge. This land previously occupied poor quality modern buildings and temporary structures associated with earlier business uses. This land is now vacant and partially fenced off and has recently been used as a compound/car park during the remediation of the wider Luneside East site. To the south of the site lies the St Georges Walk Persimmon Homes residential development (to which this application relates) whilst the River Lune lies to the north, this body of water enjoys County Biological Heritage Site status.

2.0 The Proposal

2.1 The application relates to the temporary provision of a single storey sales cabin (3.05m x 7.32m) and generator to serve the cabin along with five car parking spaces for staff and visiting customers. The rear and side boundaries of the site are to be enclosed by 1.8m high timber fencing whilst the side boundaries will also feature small sections of 900mm timber knee rails. A small section to the front of the site will be grassed over. The sales cabin will be located parallel to the main road, set back by 3m.

3.0 Site History

3.1 The site has a complex and lengthy history. The most recent and relevant applications are listed overleaf.

Application Number	Proposal	Decision
13/01200/FUL	Erection of 149 dwellings with associated landscaping and car parking	Approved
14/01186/VCN	Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of condition 2 on planning permission 13/01200/FUL to amend plans for the Greyfriars house type and the apartment blocks)	Approved
16/00574/FUL	Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works	Approved
17/00203/VCN	Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of conditions 2, 4, 6, 7, 12, 25 and 30 on planning permission 14/01186/VCN to amend the layout to include the substation, agree external materials and detailing of the development, reduce the minimum recess from 100mm to 85mm for doors and windows to the frontage units, allow for commencement on site in the areas that do not impact on Network Rail and for an off-site highway scheme to be submitted prior to the occupation of the 50th dwelling).	Pending consideration

4.0 Consultation Responses

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

Consultee	Response
County Highways Department	No Objection – Advised that the sales cabin should be sited beyond the adoptable limits of the St Georges Quay public highway.

5.0 Neighbour Representations

5.1 No representations received at the time of compiling this report.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 17 (core principles)

National Planning Policy Framework (NPPF) – Paragraphs 67 and 68 – Requiring Good Design

6.2 Local Planning Policy Overview – Current Position

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

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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** Policy DM35 – Key Principles

6.4 **Lancaster Core Strategy** SC1 – Sustainable development SC5 - Achieving Good Design

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Timescale
- Design and streetscene impact
- Highway safety

7.2 Timescale

The application is seeking a temporary consent for the siting of a sales cabin, however, the initial application provided no defined timescale. As the site is for the erection of 149 houses it is anticipated that the scheme will take a number of years to build out. Following further discussion with the applicant it is now understood that the cabin will only be in place for a short period until Plot 112 (opposite) is constructed. Following construction this plot will accommodate the show house and the portable building and generator will be cleared from the site. It is anticipated that the show home will be constructed by the end of the year, and as such a planning condition requiring the sales cabin and ancillary structures to be removed and the site returned to its previous state before the 31 December 2017 is recommended.

7.3 Design and Streetscene Impact

At present this parcel of land is vacant and overgrown and offers little to the existing streetscene. Although the cabin will feature white steel elevations with white UPVC windows/doors, and is generic in appearance its temporary nature is taken into account. Furthermore, given that the cabin and associated facilities will be seen within the context of the wider regeneration activity at Luneside East, the presence of the proposed development is not considered detrimental to the St George's Quay street scene. Finally, the section of proposed turf combined with the timber knee rail and boundary fencing will serve to soften and screen the appearance of the development.

7.4 Highway Safety

County Highways have not raised objection, though have advised that the sales cabin should be sited beyond the adoptable limits of the St Georges Quay public highway. The proposed 3m set back from the highway is acceptable in this regard. The lack of a turning area within the site is not considered detrimental to the use of the surrounding highway network. The temporary nature of the development is acknowledged, so too is the same vehicular access arrangements of the newly constructed properties on New Quay Road. A condition requiring the implementation and retention of the car parking spaces whilst the sales cabin is in use is recommended.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The temporary nature of the proposed development along with its setting within the wider context of the Luneside East regeneration is considered to mitigate its visual presence within the street scene. Furthermore, the lawned area to the site frontage combined with the knee rail and timber fencing will serve to soften and partly screen the development. The implementation of the proposed development is not considered to cause harm to the operation of the surrounding highway network.

Recommendation

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

1. Temporary consent to 31 December 2017, including land restoration
2. Development in accordance with approved plans
3. Car parking to be retained for the duration of the use of the sales cabin

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 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">Agenda Item A13</p>	<p align="center">Committee Date 26 June 2017</p>	<p align="center">Application Number 17/00555/FUL</p>
<p align="center">Application Site</p> <p align="center">18 Yealand Drive Lancaster Lancashire LA1 4EW</p>		<p align="center">Proposal</p> <p align="center">Partial demolition of existing detached garage and erection of a single storey side and rear extension</p>
<p align="center">Name of Applicant</p> <p align="center">Mr & Mrs R Cope</p>		<p align="center">Name of Agent</p> <p align="center">Thomas Gill</p>
<p align="center">Decision Target Date</p> <p align="center">13 July 2017</p>		<p align="center">Reason For Delay</p> <p align="center">N/A</p>
<p>Case Officer</p>		<p>Mr Robert Clarke</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Approval</p>

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, the applicant is an employee of Lancaster City Council and as such the proposal must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 The property which forms the subject of this application relates to a two-storey semi-detached dwelling located at the southern end of Yealand Drive. The property has pebble dashed walls with coursed stone features with a grey concrete tiled hipped roof, white uPVC doors and windows are installed throughout. The property benefits from gardens front and rear with a driveway extending to the side of the property serving a detached garage. A combination of a 1.4m and 2m high boundary wall forms the shared boundary between the driveways. The rear garden is enclosed by a combination of 1.4m high fencing and high conifer hedges. A number of trees located to the rear of the development site are subject to a Tree Protection Order.

1.2 The surrounding area is residential in character and consists of detached and semi-detached bungalows and two storey dwellings. Land levels within the locality decline in an easterly direction towards Lentworth Drive. To the south west of Yealand Drive lies the Bowling Green pub and Booths Supermarket.

1.3 The application site is unallocated in the Lancaster District Local Plan proposals map.

2.0 The Proposal

2.1 The application proposes the partial demolition of the existing detached garage to the rear of the property and the erection of a single storey side and rear extension. The proposed side extension will feature a width of 3.35m to the front elevation though this increases to the rear in accordance with the angled boundary of the development site. The rear extension will feature a maximum depth of 3m and a maximum width of 10.1m in order to form a wraparound extension. Both extensions will feature a lean to roof with a maximum height of 3.7m. The extensions will be finished with matching dashing, roof tiles and upvc windows and doors.

3.0 Site History

3.1 There is no relevant site history.

4.0 Consultation Responses

4.1 With the exception of local neighbour consultation (see Section 5 below), there are no statutory or non-statutory consultees required to be notified.

5.0 Neighbour Representations

5.1 No neighbour representations have been received at the time of compiling this report.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

6.2 Local Planning Policy Overview – Current Position

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

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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

Policy DM22 – Vehicle Parking Provision
Policy DM35 – Key Principles

6.4 Lancaster Core Strategy

SC1 – Sustainable development
SC5 - Achieving good Design

7.0 Comment and Analysis

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

- General Design;
- Impacts on Residential Amenity; and,
- Vehicle Parking.

7.2 General Design

The existing detached garage will be partially demolished to allow for the proposed development and the remaining section of this structure will be retained for domestic use. The scale of the development and the materials being proposed are such that the extensions would be read as part of the existing dwelling. The development would not be obtrusive as part of the streetscene, and would respect the character and appearance of the general locality. Additionally, there are already a number of single-storey and two-storey side extensions located within the immediate area. It is considered therefore that the proposal would not have an adverse visual impact.

7.3 Impacts upon Residential Amenity

The extension will feature windows and doors to the rear elevation and a door to the side elevation. The rear garden of this property is enclosed by a 1.4m high fence and mixed conifer hedging. It is acknowledged that there are levels of mutual overlooking at present from existing rear elevation windows. It is considered that the proposed extension will not significantly worsen the current arrangement. Views from the side elevation door will be obstructed by the 2m high boundary wall and as such direct overlooking of the neighbouring property is prevented.

7.4 The adjoining property (No. 20) benefits from a conservatory to the rear elevation next to which the proposed development will be sited. The proposed extension will inevitably block daylight from the western elevation windows of this structure; however, given the other glazed elevations and roof, it is considered that acceptable levels of daylight will remain. No. 18 Yealand Drive features a number of side elevation windows, a number of these are obscure glazed whilst some are clear. Due to the splayed nature of this property in relation to the development site, an adequate separation distance is maintained. Furthermore, given the existing 2m high boundary wall, it is considered that the introduction of the proposed side extension will not significantly reduce existing daylight levels serving these ground floor side elevation windows.

7.5 Vehicle Parking

The implementation of the proposed side extension will result in the loss of parking space to the side of the dwelling. However, the development incorporates a garage with parking for one vehicle, and as such parking behind the building line can still be achieved. The driveway in front of the dwelling is also capable of providing one parking space. Two vehicle parking spaces for a property of this size is considered acceptable.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Overall, the proposed extension through its proposed design, scale and materials is seen as an acceptable and coherent form of development that respects the character of the dwelling and its neighbours. The proposed scheme is not seen to result in any detrimental impacts to the residential amenity of the immediate area, whilst acceptable levels of parking provision are retained.

Recommendation

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

1. Standard three year timescale
2. Development in accordance with amended plans

3. Materials to match
4. Retention of boundary wall between driveway

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 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">Agenda Item</p> <p align="center">A14</p>	<p align="center">Committee Date</p> <p align="center">26 June 2017</p>	<p align="center">Application Number</p> <p align="center">17/00168/FUL</p>
<p align="center">Application Site</p> <p align="center">10 Denny Avenue Lancaster Lancashire LA1 2QN</p>	<p align="center">Proposal</p> <p align="center">Erection of a single storey rear extension and construction of a disabled access ramp</p>	
<p align="center">Name of Applicant</p> <p align="center">Mr Greenwood</p>	<p align="center">Name of Agent</p> <p align="center">Mr Andrew Kirk</p>	
<p align="center">Decision Target Date</p> <p align="center">26 April 2017</p>	<p align="center">Reason For Delay</p> <p align="center">Committee cycle and awaiting submission of amendments</p>	
<p>Case Officer</p>	<p>Mr Andrew Clement</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval subject to conditions</p>	

(i) Procedural Matters

The proposed development would normally fall within the Scheme of Delegation. However, the land to which this application relates is in the ownership of Lancaster City Council, and Lancaster City Council is the applicant. As such, the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 The property which forms the subject of this application relates to a two storey semi-detached property located on the south side of Denny Avenue, in the residential area of Ryelands in Lancaster. The property has pebble dashed walls with window sill and header features, under a grey concrete tiled hipped roof with white uPVC window frames throughout. The property benefits from gardens to the front and rear, with approximately 1 metre tall boundary fences to the front curtilage area, and the rear private garden bounded by an approximately 1.8 metre tall slat fence. The application site is unallocated in the Lancaster District Local Plan proposals map.

2.0 The Proposal

2.1 The application proposes the erection of a single storey rear extension and construction of a disabled access ramp to provide an accessible ground floor bedroom. The extension will project between 2.95 metres and a maximum of 5.5 metres from the existing rear elevation, at a width of up to 6.1 metres, with a flat roof height of 3 metres above the ground level. The extension will be finished with matching dashing under a single ply flat roof with white uPVC windows and door frames.

3.0 Site History

3.1 None relevant.

4.0 Consultation Responses

4.1 No statutory or non-statutory consultees were consulted as part of this proposal.

5.0 Neighbour Representations

5.1 No neighbour representations were received at the time of compiling this report.

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 56-64 – Achieving quality in design

6.2 **Development Management DPD**

DM35 – Key design principles

DM45 – Accommodation for Vulnerable Communities

6.3 **Lancaster Core Strategy**

SC5 – Achieving quality in 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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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 the development;
- Design, scale and landscape impact; and
- Residential amenity

7.2 Principle of the development

7.2.1 The proposed development is to construct an extension to the rear elevation of a dwellinghouse to meet the specific accessibility requirements of the current occupier, namely to provide a ground floor bedroom and disabled access ramp to a rear door opening to this room. The principle of the development to extend the residential premises to ensure this meets the requirements of the occupier is considered acceptable.

7.3 Design, scale and landscape impact

7.3.1 The proposed extension covers a large footprint of 26.6sqm, projecting a maximum of 5.5 metres from the rear elevation, at a maximum width of 6.1 metres. However, in terms of design and landscape impact, the proposed matching materials, modest single storey flat roof height of 3 metres tall, plus the location in the rear private garden space mitigates the proposal in terms of visual impact upon the street scene, as this is visually contained from the public highway. Although extensions to residential properties are uncommon in this area, the proposed development is considered to respect the character and appearance of the general locality. Therefore, despite the footprint of the proposal, the application is considered to be acceptable in terms of the congruent design and minimal landscape impact, visually contained in the rear curtilage area.

7.4 Residential amenity

7.4.1 The original application proposed a 5.57 metre long rear projection along the shared boundary treatment to the adjoining semi-detached dwellinghouse. Amendments were sought to ensure the proposal would not result in an unacceptable impact upon residential amenity. Subsequent amended plans have been received to address these concerns, particularly the impact upon this adjoining neighbour. Amendments were to address the potential overbearing and overshadowing created by a rear extension upon the neighbour's adjoining private rear garden space, and a rear facing window separated from the shared boundary by 1.8 metres to the centre of this opening.

7.4.2 The latest amended plans received on 1st June 2017 show the development behind a 45 degree line, however this line does not relate to the centre of the nearest ground floor window to the neighbouring property. The proposed extension still breaks the 45 degree line from this window by approximately 1.3 metres. However, these amended plans have shortened the length of the rear extension along the shared boundary to 2.95 metres, slightly shorter than that allowed through permitted development, at 3 metres above ground level. From this 2.95 metre projection point, the proposed extension narrows along a 45 degree line, moving away from the shared boundary, with the maximum projection of 5.5 metres located 2.6 metres from the shared boundary. This will allow more natural light into the neighbouring rear garden area and to the windows on the rear elevation, with the greatest impact caused by the 2.95 metres along the boundary. The extension is proposed at a height of 1.2 metres above the existing 1.8 metre tall boundary treatment.

7.4.3 The affected rear facing openings to the adjoining neighbour are south facing, with the proposed extension to the west of this. Therefore any overshadowing would be restricted to times when the sun is setting, with the south facing windows still receiving sunlight during the majority of the day. Furthermore, although it could not be ascertained during the site visit, given the short depth of the property at 5.7 metres, layout of the dual-aspect living room for the application site, and 2009 streetview image indicating a similar layout to the adjoining property, all evidence suggests that this rear facing window is not the only opening to the room, with a north facing front window likely to serve the same room as the affected rear facing window. Given this information and the absence of any neighbour consultation objection, it would be difficult to defend a refusal reason for the proposal purely on the impact upon residential amenity through overshadowing.

7.4.4 The proposed single storey rear extension contains a side facing window to the west facing

elevation. Side facing windows to the ground floor are a feature of these properties, with the application site having an existing side facing window to the kitchen, and the property to the west having a similar window, albeit set slightly further back so these openings are not directly facing. The boundary treatment, a 1.8 metre tall slat fencing, allows a certain amount of visibility through into the neighbouring rear gardens as existing. Although the proposed window will face the neighbouring rear garden to the west (as this window is to the ground floor), any views would be through the existing boundary treatment, and ground floor side-facing windows can be developed through permitted development, not requiring planning permission.

- 7.4.5 The proposed development takes up a relatively large footprint, however the development will retain more than 50sqm of rear private garden space, and the development takes up significantly less than half of the total area of the curtilage. The proposal affords satisfactory residential amenity to present and future occupiers, and the narrowness of the raised ramp access ensures this could not be used as a raise external amenity area, and would not raise concerns regarding overlooking. However, a condition to ensure the flat roof of the extension is not used as a balcony should be included to prevent unacceptable impact upon neighbouring privacy. Subject to this condition, and despite breaking the 45 degree angle to a rear facing window, the application is considered to have an acceptable impact upon residential amenity.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 In conclusion, it is considered that the proposed works are proportionate with matching materials and design. The proposed development will meet the specific needs of the existing occupant, whilst having no greater impact upon residential amenity beyond that allowed through the General Permitted Development Order for residential dwellinghouses. The proposed design complies with policy DM35 and NPPF Section 7.

Recommendation

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

1. Standard three year timescale
2. Development in accordance with amended plans
3. No balcony on the flat roof

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 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.

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
15/01046/VLA	Former St Patricks Catholic Church, St Johns Road, Heysham Variation of legal agreement attached to permission 06/00666/FUL to remove affordable housing provision for Mr Michael Grizaard (Heysham Central Ward)	Application Withdrawn
16/01450/CU	Old School, Main Street, Whittington Change of use of office/workshop into 2 dwellings, erection of one detached dwelling (C3) and Relevant Demolition of a single storey flat roofed extension for Mr Nick Hall (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/01451/LB	Old School, Main Street, Whittington Listed building application for the demolition of the single storey rear extension, and works to facilitate the conversion of office/workshop into 2 dwellings (C3) for Mr Nick Hall (Upper Lune Valley Ward 2015 Ward)	Application Permitted
16/01498/CU	Whinney Hill Farm, Aughton Road, Aughton Demolition of an agricultural barn, and change of use of three agricultural barns and erection of new building to provide staff and visitor accommodation ancillary to the use of the Thoroughbred Retraining Centre. for Ms G Carlisle (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
16/01552/FUL	36 Thorpe Avenue, Morecambe, Lancashire Demolition of existing garage and erection of a two storey side extension for Mr And Mrs B Toulmin (Torrisholme Ward 2015 Ward)	Application Permitted
17/00044/DIS	University Of Cumbria, Bowerham Road, Lancaster Discharge of condition 4 relating to landscaping on previously approved application 15/00913/FUL for Mr Paul McCulloch (John O'Gaunt Ward 2015 Ward)	Initial Response Sent
17/00048/DIS	Storey Institute, Meeting House Lane, Lancaster Discharge of condition 8 on approved application 15/00825/ADV for Lancaster City Council (Castle Ward 2015 Ward)	Request Completed
17/00050/DIS	Storey Institute, Meeting House Lane, Lancaster Discharge of condition 3 on approved application 15/00821/LB for Lancaster City Council (Castle Ward 2015 Ward)	Request Completed
17/00053/DIS	St Leonards House, St Leonards Gate, Lancaster Discharge of conditions 3, 4, 6, 7, 9, 10 and 17 on approved application 16/01155/FUL for Mr Dan White (Bulk Ward 2015 Ward)	Closed
17/00054/DIS	St Leonards House, St Leonards Gate, Lancaster Discharge of condition 4 and part of condition 3 on approved application 16/01156/LB for Mr Dan White (Bulk Ward 2015 Ward)	Closed
17/00055/DIS	Land To Side Of 1 Ingleborough View, Station Road, Hornby Discharge of conditions 3, 4, 5, 6, 7 & 9 on approved application 15/00117/OUT for Mr P Norris (Upper Lune Valley	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS
Ward 2015 Ward)

17/00057/DIS	Land North Of, Mellishaw Lane, Heaton With Oxcliffe Discharge of conditions 3, 4, 5, 6, 7, 8, 9, 10 and 11 on approved application 16/00439/FUL for Mr Simon Iyob Toclu (Westgate Ward 2015 Ward)	Initial Response Sent
17/00059/DIS	6 Hill Side, Lancaster, Lancashire Discharge of condition 3 on application 15/00917/LB for Roger Frankland (Castle Ward 2015 Ward)	Request Completed
17/00062/DIS	Development Land, Middleton Road, Middleton Discharge of condition 3 on approved application 16/00912/VCN for Mr Vincent Waddell (Overton Ward 2015 Ward)	Request Completed
17/00064/DIS	TNT Garage, Hornby Road, Caton Discharge of condition 7 on approved application 16/01310/REM for Mulbury Homes Limited & Regenda Limited (Lower Lune Valley Ward 2015 Ward)	Request Completed
17/00080/DIS	37 Hest Bank Lane, Hest Bank, Lancaster Discharge of condition 3 on approved application 17/00406/FUL for Ms R Longcake (Bolton And Slyne Ward 2015 Ward)	Request Completed
17/00088/DIS	Lidl, 98 Westgate, Morecambe Discharge of condition 3 on approved application 17/00379/VCN for Mr O Dickinson (Westgate Ward 2015 Ward)	Request Completed
17/00115/FUL	Lancashire Fire And Rescue Service, Morecambe Community Fire Station, Westgate Change of use of gravel hardstanding to delineated car park including ambulance car parking bays and relocation of existing lighting/camera post for Mr Ian Riding (Westgate Ward 2015 Ward)	Application Permitted
17/00138/FUL	New Inn, Yealand Road, Yealand Conyers Change of use of existing first floor managers flat (C3) and toilets to hotel accommodation (C1) comprising of 5 en-suite bedrooms, conversion of attic space to form managers flat and installation of roof lights to the front and rear elevations, installation of a replacement fire escape and replacement of existing hard standing for Barry Robinson Ltd (Warton Ward 2015 Ward)	Application Permitted
17/00146/LB	New Inn, 40 Yealand Road, Yealand Conyers Listed building application for the installation, removal and replacement of partition walls to the first and attic floors, installation of replacement windows, infilling of 2 windows and removal of pipework to the north elevation, creation of a new fire escape door and windows, alterations to the existing positioning of 2 windows and installation and removal of pipework to the east elevation, installation of replacement windows to the south elevation, installation of rooflights to the west and east elevation, creation of an additional boundary wall and replacement of hardstanding to facilitate the change of use of existing first floor managers flat and toilets to hotel accommodation comprising of 5 en-suite bedrooms and conversion of attic space to form managers flat for Barry Robinson Ltd (Warton Ward 2015 Ward)	Application Permitted
17/00162/OUT	Bay View Cars, Grosvenor Road, Heysham Outline application	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

for the demolition of existing car show room and erection of 9 flats with associated access and parking for Bay View Cars (Heysham North Ward 2015 Ward)

17/00217/FUL	Lancashire Commercials, Northgate, White Lund Industrial Estate Erection of a part 2 metre and 2.3 metre high wall for Mr James Robb (Westgate Ward 2015 Ward)	Application Permitted
17/00249/FUL	Swarthdale Farm Stables, Swarthdale Road, Over Kellet Erection of an agricultural building for Mr Huddleston (Kellet Ward 2015 Ward)	Application Permitted
17/00260/FUL	Land To The South Of The Spinney, Haverbreaks Road, Lancaster Erection of a 2 storey detached 4 bedroom dwelling for Mr & Mrs Watson (Scotforth West Ward 2015 Ward)	Application Permitted
17/00263/ELDC	The Tractor Yard, Capernwray Road, Capernwray Existing lawful development certificate for the use of land and building for agricultural engineering, sales, hire, repair and storage for Mr S Wightman (Kellet Ward 2015 Ward)	Lawful Development Certificate Granted
17/00268/FUL	Lancaster University, Bigforth Drive, Bailrigg Erection of an enclosed outdoor cricket practice net with associated new pedestrian access for Mr Darryl Jacovelli (University And Scotforth Rural Ward)	Application Permitted
17/00287/FUL	9 Queens Drive, Morecambe, Lancashire Demolition of front porch and construction of a canopy to front elevation, erection of a two storey rear extension, single storey side extension and 1.8m fence and gate to the rear for Mr M Burgess (Bare Ward 2015 Ward)	Application Permitted
17/00295/FUL	Tewitfields Trout Fishery, Burton Road, Warton Erection of 2m high acoustic fencing to south-east site boundary for Mr Cushway (Warton Ward 2015 Ward)	Application Refused
17/00312/PLDC	Hazeldene, Lune Valley Estate, Caton Road Proposed lawful development certificate for a single storey side extension for Mr Wojciechovicz (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
17/00316/FUL	3 Douglas Avenue, Heysham, Morecambe Erection of a part 2 storey and part single storey rear extension for Mr & Mrs C. Haynes (Heysham South Ward 2015 Ward)	Application Permitted
17/00321/FUL	Meadowside, Kellet Lane, Over Kellet Erection of an extension to existing agricultural outbuilding for Mr Trevor Bargh (Kellet Ward 2015 Ward)	Application Permitted
17/00330/FUL	Islay, The Shore, Hest Bank Installation of a package sewage treatment plant for Mr T Johnson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00332/FUL	60 Artlebeck Road, Caton, Lancaster Erection of a 2-storey side extension for Miss Ruth Mckie (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00334/ADV	Morrisons, Hilmore Way, Morecambe Advertisement application for the display of 10 internally illuminated fascia signs, 2 non-illuminated fascia signs, 4 internally illuminated	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

box signs and 1 internally illuminated totem sign for Wm Morrison Supermarkets PLC (Harbour Ward 2015 Ward)

17/00339/FUL	52 Quernmore Road, Caton, Lancaster Demolition of detached garage, erection of a single storey side and rear extension and first floor rear extension for Mr Gregory Sugden (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00350/CU	61 King Street, Lancaster, Lancashire Change of use of shop (A1) to drinking establishment (A4) for Mr Hall (Castle Ward 2015 Ward)	Application Permitted
17/00357/REM	Sweetings Farm, Sandside, Cockerham Reserved matters application for the erection of an agricultural workers dwelling with associated landscaping for Mrs Lawson (Ellel Ward 2015 Ward)	Application Permitted
17/00371/FUL	Higher Moor Head Bungalow, Rakehouse Brow, Quernmore Erection of an agricultural building for Mr D Atkinson (Ellel Ward 2015 Ward)	Application Permitted
17/00372/PLDC	19 Schoolhouse Lane, Halton, Lancaster Proposed Lawful Development Certificate for the erection of a detached garage for Mr & Mrs Smith (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Refused
17/00373/FUL	378 - 380 Heysham Road, Heysham, Morecambe Change of use from a bank (A2) to a betting shop (sui generis) for . (Heysham Central Ward 2015 Ward)	Application Permitted
17/00376/ELDC	Red Bank Farm Caravan Camp, The Shore, Bolton Le Sands Existing lawful development certificate for use of land as campsite for Mr Mark Archer (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
17/00379/VCN	Lidl, 98 Westgate, Morecambe Erection of a side extension to existing retail unit, recladding of existing elevations, removal of canopy, installation of door to south elevation, alterations to the vehicular access point and rearrangement of existing car park layout (pursuant to the variation of conditions 2, 4 and 7 and removal of condition 5 on planning permission 16/01043/FUL to amended approved plans, materials and boundary treatment and remove proposed freestanding trolley bay) for Miss F Heeley (Westgate Ward 2015 Ward)	Application Permitted
17/00382/PLDC	1 Sulby Grove, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey side extension for Mr & Mrs C. Anderson (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
17/00384/PLDC	3 Chestnut Drive, Morecambe, Lancashire Proposed Lawful Development Certificate for the conversion of existing conservatory to a single storey rear extension for Mr P. Cairns (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
17/00393/FUL	Fleet House, Whitepits Lane, Tatham Demolition of existing garage and 2 storey side extension, erection of single storey front and rear extensions, garage, pergola and balcony, installation of roof lights and windows and use of barn as additional living accommodation. for Mr & Mrs Tim Parkinson	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

(Lower Lune Valley Ward 2015 Ward)

17/00394/CU	Barn Opposite Far Waterslack, Waterslack Road, Silverdale Demolition of existing outbuildings and part of barn to facilitate the change of use of agricultural barn to dwelling (C3), erection of a porch to the rear, construction of a new boundary wall, alterations to existing access point and associated landscaping for Mr Barber (Silverdale Ward 2015 Ward)	Application Refused
17/00395/CU	Castle View Equestrian Centre, Borwick Road, Capernwray Change of use of land to externally store 45 touring caravans for Mr John McCarthy Esq (Kellet Ward 2015 Ward)	Application Permitted
17/00397/FUL	19 Palatine Avenue, Lancaster, Lancashire Erection of a single storey front extension for Mr & Mrs Salter (Scotforth East Ward 2015 Ward)	Application Permitted
17/00404/FUL	23 Tithebarn Hill, Glasson Dock, Lancaster Demolition of existing rear porch and erection of a single storey rear extension for Mrs Riddick (Ellel Ward 2015 Ward)	Application Permitted
17/00405/FUL	31 Arrow Lane, Halton, Lancaster Retention of a summer house for Mr Simon Menzies (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00409/VCN	Land Adjacent 7 Dalesview Crescent, Heysham, Morecambe Erection of 2 semi-detached houses (pursuant to the variation of condition 2 in relation to maintenance of land and tree replanting and condition 4 in relation to boundary fencing on planning permission 16/00757/VCN) for Mr Christopher Hemingway (Heysham South Ward 2015 Ward)	Application Refused
17/00410/ADV	Lidl, 98 Westgate, Morecambe Advertisement application for the display of two internally illuminated fascia signs, two non-illuminated wall mounted billboard signs, two externally illuminated hoarding signs, one directional sign and one internally illuminated free-standing sign for Miss Faye Heeley (Westgate Ward 2015 Ward)	Application Permitted
17/00411/FUL	33A Kellet Road, Carnforth, Lancashire Demolition of existing rear extension and erection of single storey rear and side extensions for Mr & Mrs M. Moorhouse (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00413/PLDC	21 Sizergh Road, Morecambe, Lancashire Proposed lawful development certificate for erection of single storey rear extension and detached outbuilding for Mr & Mrs M. Hurtley (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
17/00420/FUL	Lower Langthwaite Farm, Littlefell Lane, Lancaster Creation of an earth banked slurry lagoon for Mr Philip Wood (University And Scotforth Rural Ward)	Application Permitted
17/00421/FUL	90 Main Street, Warton, Carnforth Part demolition of 2-storey outrigger and erection of a 2-storey rear extension for Ryan Prince (Warton Ward 2015 Ward)	Application Permitted
17/00423/PLDC	24 Hest Bank Road, Morecambe, Lancashire Proposed Lawful Development Certificate for the erection of a single storey	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

	rear extension for Mr & Mrs P. mcCamley (Bare Ward 2015 Ward)	
17/00424/ADV	12 Spring Garden Street, Lancaster, Lancashire Advertisement application for the display of non-illuminated signage comprising of external vinyl graphics and frosted vinyl for Mr Skinner (Castle Ward 2015 Ward)	Application Permitted
17/00425/FUL	28 St Michaels Lane, Bolton Le Sands, Carnforth Demolition of existing garage and erection of single storey outbuilding comprising a garage and gym for Mr Steven Ingle (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00426/LB	The Keys, Main Road, Slyne Listed building application for the replacement of 1 timber window with double glazed timber window for Chameleon Bar and Dining (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00431/FUL	19 Westover Road, Warton, Carnforth Demolition of existing conservatory, erection of a single storey rear extension and construction of a raised terrace for Heather Marlow Stephenson (Warton Ward 2015 Ward)	Application Permitted
17/00437/FUL	The Bothy, Burrow Road, Burrow Demolition of existing dwelling and associated annexe and outbuilding, erection of a replacement detached dwelling and conversion and extension of existing garage into a two storey detached holiday cottage for Mr & Mrs Eglin (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
17/00438/CU	9 Common Garden Street, Lancaster, Lancashire Change of use of dry cleaners (A1) into mixed use of hot food takeaway (A5) and cafe/restaurant (A3) for Mrs Kumiko Hotta (Castle Ward 2015 Ward)	Application Permitted
17/00440/CU	53 - 55 Euston Road, Morecambe, Lancashire Change of use of retail (A1) to gymnasium (D2) for Morecambe 247 Ltd (Poulton Ward 2015 Ward)	Application Permitted
17/00445/NMA	Land At, Coastal Road, Bolton Le Sands Non material amendment to planning application 15/01278/FUL to reposition the garage of plot 29 in line with the rear elevation of the dwelling for Mr Middlebrook (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00449/FUL	38 Oak Drive, Halton, Lancaster Demolition of existing dormer and construction of a dormer extension to the front elevation for Mr Anthony Shaw (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00450/FUL	58 Hornby Road, Caton, Lancaster Demolition of detached garage and rear extension and erection of a single storey side/front extension and a single storey rear extension for Mrs Alison Shepherd (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00455/PLDC	65 Wingate Avenue, Morecambe, Lancashire Proposed lawful development certificate for the construction of a dormer extension to the rear elevation and a hip to gable roof extension for Mrs I. Rudina (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

17/00456/FUL	Barclays Bank, 17 - 19 Euston Road, Morecambe Installation of bird deterrent netting and spikes to the southern elevation for Barclays Bank PLC (Poulton Ward 2015 Ward)	Application Permitted
17/00457/LB	Barclays Bank, 17 - 19 Euston Road, Morecambe Listed building application to install bird deterrent netting and spikes to the southern elevation for Barclays Bank PLC (Poulton Ward 2015 Ward)	Application Permitted
17/00458/FUL	184 Main Street, Warton, Carnforth Erection of part single part two-storey side extensions to existing annexe to facilitate the conversion to a separate dwelling with associated landscaping and creation of a new access point for Mr & Mrs J Collins (Warton Ward 2015 Ward)	Application Permitted
17/00467/RCN	Southgate Barn, Barrows Lane, Heysham Change of use and conversion of former office/stables to a residential annexe (pursuant to the removal of condition 3 on planning permission 03/01403/CU in relation to the annexe remaining ancillary) for Mr Steven Hemingway (Heysham South Ward 2015 Ward)	Application Refused
17/00468/FUL	Pier Hotel, 284 - 285 Marine Road Central, Morecambe Installation of four LED floodlights and two lanterns for Star Pubs & Bars (Poulton Ward 2015 Ward)	Application Permitted
17/00470/CU	Galloways Society For The Blind, 12 Victoria Street, Morecambe Change of use of land into car park for Mr Stuart Clayton (Poulton Ward 2015 Ward)	Application Permitted
17/00474/FUL	15 Lowther Avenue, Morecambe, Lancashire Erection of a single storey side and rear extension for Mr William Gault (Torrisholme Ward 2015 Ward)	Application Permitted
17/00482/FUL	23 Seaborn Road, Morecambe, Lancashire Retrospective application for the erection of an outbuilding to the rear for Mr J Wickes (Bare Ward 2015 Ward)	Application Permitted
17/00486/FUL	19 Hatlex Drive, Hest Bank, Lancaster Installation of a raised roof, insertion of a first floor, erection of a 2 storey side extension and erection of a 2 storey bay window to front of existing garage to form a separate 2-bed dwelling and construction of a bridge and new access point for Mr Peter Wiltshire (Bolton And Slyne Ward 2015 Ward)	Application Refused
17/00489/FUL	3 Well Lane, Warton, Carnforth Erection of a single storey rear extension, removal of existing front and rear dormer extensions and construction of dormer extensions to the front and rear elevations, installation of replacement windows and doors and rendering to all elevations for Mr And Mrs Newton (Warton Ward 2015 Ward)	Application Permitted
17/00550/CCC	Hillam Lane Farm, Hillam Lane, Cockerham Construction of a reception building, acidification tanks and extension of the yard area to service the existing anaerobic digester for Cockerham Green Energy Ltd (Ellel Ward 2015 Ward)	No Objections