



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 21 AUGUST 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 24th July, 2017 (previously circulated).

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

**4 Declarations of Interest**

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

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

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

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

### **Planning Applications for Decision**

#### Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

## Local Finance Considerations

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

## Human Rights Act

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

5	<b>A5 17/00730/REM</b>	<b>Land Off Sycamore Road, Brookhouse</b>	<b>Lower Lune Valley Ward</b>	<b>(Pages 1 - 11)</b>
		Reserved matters application for the erection of 22 dwellings		
6	<b>A6 17/00924/VLA</b>	<b>Land Off Sycamore Road, Brookhouse</b>	<b>Lower Lune Valley Ward</b>	<b>(Pages 12 - 14)</b>
		Variation of legal agreement attached to planning permission 14/00270/OUT to remove the obligation relating to the allotment contribution		
7	<b>A7 17/00731/FUL</b>	<b>The Tractor Yard, Capernwray Road, Capernwray</b>	<b>Kellet Ward</b>	<b>(Pages 15 - 23)</b>
		Demolition of existing buildings and erection of five industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and par		
8	<b>A8 17/00623/VLA</b>	<b>Land To The Rear Of Burr Tree Cottage, Long Level, Cowan Bridge</b>	<b>Upper Lune Valley Ward</b>	<b>(Pages 24 - 29)</b>
		Variation of legal agreement on planning application 15/00537/FUL to remove the provision relating to the delivery of affordable housing		

- |           |   |  |                               |                        |
|-----------|---|--|-------------------------------|------------------------|
| <b>9</b>  | <b>A9 17/00488/FUL</b>                              | <b>7 Ashmeadow Grove, Nether Kellet</b>  | <b>Kellet Ward</b>            | <b>(Pages 30 - 34)</b> |
|           |   | Demolition of existing garage, erection of a replacement single storey garage, construction of a dormer extension to the northwest elevation and installation of first floor window and Juliet balcony to side elevation |                               |                        |
| <b>10</b> | <b>A10 17/00899/VLA</b>                             | <b>Far Lodge, Postern Gate Road, Quernmore</b>   | <b>Lower Lune Valley Ward</b> | <b>(Pages 35 - 41)</b> |
|           |   | Variation of legal agreement attached to planning permission 99/00304/CU to remove holiday let restrictions on cottages  |                               |                        |
| <b>11</b> | <b>A11 17/00223/FUL</b>                             | <b>Dance Inc The Coach House, Edward Street, Lancaster</b>   | <b>Bulk Ward</b>              | <b>(Pages 42 - 45)</b> |
|           |   | Relevant Demolition of 3 existing ancillary buildings and installation of security gates   |                               |                        |
| <b>12</b> | <b>Quarterly Reports (Pages 46 - 53)</b>            |  |                               |                        |
| <b>13</b> | <b>Delegated Planning Decisions (Pages 54 - 61)</b> |  |                               |                        |

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Carla Brayshaw (Chairman), Helen Helme (Vice-Chairman), June Ashworth, Jon Barry, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Andrew Kay, Jane Parkinson, Robert Redfern, Sylvia Rogerson, Susan Sykes and Malcolm Thomas

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

Councillors 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](mailto:tmott@lancaster.gov.uk).

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

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

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

Published on Wednesday 9<sup>th</sup> August, 2017.

<b>Agenda Item</b> A5	<b>Committee Date</b> 21 August 2017	<b>Application Number</b> 17/00730/REM
<b>Application Site</b> Land Off Sycamore Road Brookhouse Lancashire	<b>Proposal</b> Reserved matters application for the erection of 22 dwellings	
<b>Name of Applicant</b> Oakmere Homes	<b>Name of Agent</b> Mr Daniel Hughes	
<b>Decision Target Date</b> 19 September 2017	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	N/A	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

A site visit was arranged for the Planning and Highways Regulatory Committee Members to view this particular site in advance of the earlier full planning application (16/01603/FUL) being reported to the Committee. This site visit took place on 27 March 2017.

**1.0 The Site and its Surroundings**

- 1.1 The site relates to an agricultural field and an existing residential property located adjacent to the north western edge of the village of Brookhouse, accessed from Sycamore Road. The 0.75 hectare site is surrounded by existing residential development (east and south) and open countryside (north and west). The character and style of existing residential development within Brookhouse is varied. Within the vicinity of the site, existing residential development is predominately two-storey with some bungalows neighbouring the proposed site but at different elevations (due to the sloping nature of the site and surroundings). The character and appearance of neighbouring development varies markedly along Brookhouse Road but along Sycamore Road and Sycamore Crescent existing properties are quite uniformed in their appearance (typical of their age/period).
- 1.2 The southern boundary of the proposed site consists of a high stone wall along the length adjoining St Paul's Vicarage and then dissects a small part of the existing field where there is currently no boundary feature. The furthestmost southern field boundary (outside the red edge of this application site but forming the red-edge of the outline permission) consists of a timber post and rail fence which separates the field from the garden belonging to 151 Brookhouse Road. This boundary (on the neighbour's side) consists of a number of protected trees (Tree Preservation Order No: 593 (2017)) and shrubs. There is also a pond on this adjoining land. To the west of the site are open fields that appear to be used for equestrian purposes and includes a horse arena. The arena sits immediately behind a row of high leylandii trees abutting the western boundary, which also consists of a low timber post and rail fence. To the north of the site is open grazing land which rises to an elevation of approximately 35m AOB. To the east of the site, the site adjoins existing residential property, namely 88 Sycamore Road and 47 Sycamore Road. The latter is included in the application site and is proposed for demolition. The eastern boundary comprises a dry stone wall (circa 1.2m high)

along the boundary with 88 Sycamore Road and a timber post and rail fence with domestic planting beyond between the field and 47 Sycamore Road.

- 1.3 The topography of the site varies markedly with undulations within the site boundaries. The most significant falls across the site are in a south–north direction and also a south-east to north-west direction. Levels range from approximately 12.5m AOD on the southern boundary to approximately 8m AOD along the northern boundary where there is a distinct depression marked by a small area of wetland habitat.
- 1.4 The site is located within the designated Countryside Area and the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Most of the field is also within a Mineral Safeguarding Area. There are no public rights of way affected by the proposals and the site is situated away from the village’s Conservation Area and Listed Buildings (approximately 220m and 320m respectively to the east). The site is located in flood zone 1, with a small part of the site along the northern boundary identified on land susceptible to surface water flooding (for the 1:100 year and 1 in 1000 year flood events).

## **2.0 The Proposal**

- 2.1 Outline planning permission was granted for the demolition of the existing bungalow and the erection up to 31 dwellings with associated access. Consideration of access was considered as part of the outline planning permission. This Reserved Matters submission seeks to agree the matters that were not submitted in detail at the time of the outline application, which in this case are layout, appearance, scale and landscaping of the residential development.
- 2.2 The applicant proposes 22 houses, four of which shall be affordable. The breakdown is as follows:
- 2 x one bedroom units (both affordable rented units)
  - 1 x two bedroom unit (shared ownership affordable unit)
  - 2 x three bedroom units (one shared ownership affordable unit and one open market unit)
  - 17 x four bedroom units (all open market units)

An explanation of the affordable housing provision is set out in the Planning Obligations section of this report. The scheme includes a mix of seven different house types across the site, including 4 split-level properties to address the level changes across the site. The proposed properties are all two-storey units to be finished in a combination of artificial stone and white roughcast render under natural slate roofs. Windows are proposed in a dark grey uPVC.

- 2.3 To develop the site earthworks are required. The ground will be cut from the south-eastern corner of the site and filled predominately over the central and northern sections of the site. A 2m high retaining wall, which gradually reduces in height towards the west, is required along the southern boundary of the site to the rear of plots 1 to 3. Small retaining features are also proposed within some of the individual plots.
- 2.4 The proposed 22 units are served from a single road, which runs through the site from Sycamore Road in an east-west direction forming a large cul-de-sac with large turning head in the north-western corner of the site. A field access is maintained along the western boundary of the site to provide maintenance access to the sewer. A small private drive is proposed off the spine road to serve 3 dwellings in the south western corner of the site. This drive extends up to the furthestmost southern boundary of the site to secure access to the remaining southernmost part of the field, which does not form part of this reserved matters approval. All the proposed dwellings have off-street parking either on private drives/garages or on a small parking court to serve some of the affordable units.
- 2.5 A detailed landscaping proposal has been submitted proposing native hedgerow planting to the site boundaries and around the amenity space. Instant hedgerows are proposed around garden curtilages to properties in visually prominent positions with new tree planting throughout the site and along the boundaries. There is no tree or significant hedgerow removal proposed as part of the scheme other than the domestic planting within the curtilage of 47 Sycamore Road which is proposed for demolition.

**3.0 Site History**

- 3.1 The previous outline consent was subject to a Section 106 agreement securing the following:
- Provision of up to 40% affordable housing based on a 50% intermediate housing basis and 50% social rented basis (subject to development viability at the Reserved Matters stage);
  - Allotment Contribution (to provide on-site area for allotments or a financial contribution towards the provision of allotments, such to be agreed at the Reserved Matters stage);
  - Provision and in perpetuity maintenance of Amenity Green Space, such to be agreed at the Reserved Matters stage.
- 3.2 Before this reserved matters application was submitted, the applicant had submitted a full planning application for 21 houses with an associated access. Amongst other matters, development viability had been a key consideration and was debated heavily over an extensive period of time, involving an independent review of the applicant’s viability submissions. The Council (via its independent consultant) and the applicant only recently reached agreement on the key financial assumptions required for a viability appraisal. The outcome of this was that the development could not support the Council’s affordable housing policy expectations due to abnormal costs. In order to improve the viability (and therefore deliverability) of development, the applicant sought to increase the number of units on site from 21 to 22 units. This increase could not be dealt with as an amendment to the full application. The applicant subsequently submitted this reserved matters application to increase the dwelling numbers. The full planning application is still pending subject to the outcome of this reserved matters application. The applicant has confirmed that the full planning application will be withdrawn in the event of a favourable recommendation.
- 3.3 The Council has also received an application to vary the legal agreement to remove the obligations relating to the provision of allotments (either on-site or by way of an off-site financial contribution). This application is also reported and is set out at Agenda Item A6.

Application Number	Proposal	Decision
14/00270/OUT	Outline application for the demolition of existing bungalow and erection of up to 31 dwellings	Approved
16/01603/FUL	Demolition of existing dwelling and erection of 21 dwellings with associated access, landscaping and parking	Pending (see Paragraph 3.2 above for details)
17/00924/VLA	Variation of legal agreement attached to planning permission 14/00270/OUT to remove the obligation relating to allotment provision on or off site.	Pending
17/00925/RCN	Application to removal condition 4 of 14/00270/OUT relating to off-site highway works.	Pending
17/00133/DIS	Application to agree details reserved by pre-commencement conditions on the outline permission 14/00270/OUT	Pending validation

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>No objections</b> – They note the internal road is not intended to be put forward for adoption. LCC have commented on the ability to provide services within the verges and provide driveways of sufficient length to accommodate parked vehicles and open garage doors – suggesting roller garage doors can resolve this.
Caton-with-Littledale Parish Council	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>• Access via Sycamore Road is considered inappropriate;</li> <li>• Access concerns/disruption to neighbouring residents during construction;</li> <li>• Flood risk and inadequate drainage proposals;</li> </ul>

	<ul style="list-style-type: none"> <li>• Lack of housing mix – too many larger units so proposal fails to meet local housing needs;</li> <li>• Lack of affordable housing (18%); and,</li> <li>• Lack of consultation with the community and lack of consideration of the Neighbouring Plan.</li> </ul>
<b>Forest of Bowland AONB</b>	At the time of compiling this report, no comments received within the consultation period.
<b>United Utilities</b>	UU indicate that they are unable to discharge the conditions relating to drainage as the Flood Risk Assessment is not conclusive. They also advise sewer easements must be met. <i>NB: the reserved matters application is not seeking to agree the proposed drainage strategy.</i>
<b>Lead Local Flood Authority</b>	At the time of compiling this report, no comments received within the consultation period.
<b>Tree Protection Officer</b>	<b>No objection</b> provided the development is carried out in accordance with the Tree Survey Report and submitted landscaping scheme. An Arboricultural Method Statement and Landscape Management Plan has recently been submitted and are currently in the process of being reviewed. A verbal update will be provided in relation to this matter.
<b>GMEU (Ecology)</b>	At the time of compiling this report, no comments received within the consultation period.
<b>Public Realm Officer</b>	<b>No objection</b>
<b>Strategic Housing Officer</b>	At the time of compiling this report, no comments received within the consultation period.
<b>Environmental health Service</b>	At the time of compiling this report, no comments received within the consultation period.
<b>Fire Safety Officer</b>	Standard response receiving relating to Part B5 of the Building Regulations.
<b>Lancashire Constabulary</b>	At the time of compiling this report, no comments received within the consultation period.

## 5.0 Neighbour Representations

5.1 At the time of compiling this report, 11 letters of objection have been received. A summary of the main reasons for opposition are as follows:

- The Landscape and Visual Impact Assessment does not consider all properties affected;
- Loss of outlook, loss of views of agricultural land and loss of privacy due to overlooking;
- Detrimental impact to character of the area, Conservation Area and public rights of way;
- Loss of amenity and increased disturbance due to additional traffic passing existing property on Sycamore Road;
- Increase in anti-social behaviour, noise and traffic pollution, light pollution;
- Loss of play space within the existing cul-de-sac;
- Impact on wildlife;
- Increased flood risk on and off site from surface water flooding;
- Lack of small housing units and affordable housing; failure to comply with housing policy and concerns over the viability being confidential;
- Inappropriate access to the site; capacity of Sycamore Road to accommodate the additional traffic – traffic has already increased since the Post Office moved into the newsagents – alternative access via Hornby Road or via the existing private property at the western end of the site should be considered;
- Impact on local infrastructure - schools already over-subscribed; and
- Over-reliance on private car due to lack of evening and weekend bus services.

5.2 The Council has also received 4 letters neither objecting nor supporting the scheme raising the following comments:

- An acknowledgment that the site has outline consent but recommends that the development should have regard to the Neighbourhood Plan policies and evidence, including, in summary: the protection and enhancement of the AONB landscape character through good design, local materials and minimising light spillage; providing smaller housing units and a greater



level of affordable housing; that the scheme does not increase flood risk; mitigating impacts of the development on local infrastructure (traffic/services);

- Lack of consultation with the community and Neighbourhood Plan Steering Group from the developer;
- Concerns over increased traffic and congestion on Sycamore Road, including during construction;
- The proposal would remove safe playing environment at the end of Sycamore Road;
- Layout of amenity/ecology areas raise concerns over security (access to rear gardens); and
- Sewerage systems are already over-capacity.

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

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

Paragraphs 7, 12 and 14 – Achieving Sustainable Development

Paragraph 17 – Core Principles

Paragraphs 35 and 39 – Promoting Sustainable Transport

Paragraph 50 – Housing needs

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

Paragraphs 69 – Promoting Healthy Communities

Paragraph 109, 115 – Conserving the Natural Environment

Paragraphs 187 – Decision Taking

Paragraphs 196 -197 – Determining Applications

Paragraphs 203, 206 – Planning Conditions

Paragraph 173 – Ensuring Viability and Deliverability

Paragraphs 204 and 205 - Planning Obligations

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

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation 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 Saved Lancaster District Local Plan Policies:**

E3 – Areas of Outstanding Natural Beauty (AONB)

E4 – Countryside Area

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

DM21 – Walking and Cycling

DM22 – Parking Provision  
DM25 & 26 – Green Corridors and Open Space  
DM28 Development and Landscape Impact  
DM29 Protection of Trees, Hedgerows and Woodland  
DM35 Key Design Principles  
DM39 Surface Water & Sustainable Drainage  
DM41 New Residential Dwellings  
DM42 Managing Rural Housing Growth  
DM48 Community Infrastructure

## 6.5 **Other Material Considerations**

National Planning Policy Guidance (NPPG)  
Meeting Housing Needs Supplementary Planning Document (February 2013)  
Caton-with-Littledale Draft Neighbourhood Development Plan (2016-2031)  
Planning Advice Note – Open Space Provision within New Residential Developments  
Planning Advice Note – Provision of Electric Vehicle Charging Points for New Development

## **7.0 Comment and Analysis**

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

- The principle of development;
- Whether the layout, appearance, scale and landscaping of the development is appropriate in relation to the sites position within the AONB;
- Whether the proposal secures an acceptable standard of amenity for future and existing residents; and
- Finally whether the proposed scale and layout of the development enables compliance with relevant conditions set out in the outline planning permission.

### 7.2 Principle of Development and Affordable Housing

7.2.1 An application for approval of reserved matters is not an application for planning permission. The principle of developing this site for residential purposes with its access via Sycamore Road has been accepted by the grant of outline planning permission. Matters relating to traffic, access, flood risk, biodiversity and impacts on local infrastructure, such as school places, were considered at the outline stage and where necessary conditions were imposed to mitigate against the impacts of the development. Despite a number of concerns raised by local residents in relation to such matters, this application is not a re-examination of these key planning considerations. The principle of residential development at the site is established.

### 7.3 Design, Visual Amenity and Landscape considerations

7.3.1 The application site sits within a relatively secluded part of the AONB landscape, but nevertheless it is within the AONB and so great weight should be afforded to conserving the scenic beauty of the landscape. The outline consent considered the principle of developing the site within the context of paragraph 116 of the NPPF and concluded that the proposal was considered not to have a significant adverse impact on the character and appearance of the designated landscape and that the housing need was weighted heavily in favour of the development. The key issue now is to consider whether the proposed scale of development (22 dwellings) and the associated layout and design would be appropriate to the area.

7.3.2 The site is heavily constrained by the site topography making it a difficult and challenging site to develop. The proposed cut and fill operations to lower the ground levels along the south eastern part of the site are necessary to enable a suitable development platform for the proposed housing scheme. There is some disturbance to the site topography but the proposal maintains the undulating character of the site (lowland drumlin landscape) by creating a development platform that maintains natural falls across the site. The proposed earthworks to create the development platform will not lead to significant visual effects on the designated landscape and are judged to be acceptable and sensitive to the character and form of the AONB landscape.

- 7.3.3 The outline planning permission permitted up to 31 dwellings. The scheme presented proposes 22 dwellings which is significantly less than what was envisaged at the outline stage. The development consists of a single spine road running from Sycamore Road in a westerly direction for approximately 87m before turning north and lowering towards the main turning head. This arrangement responds to the proposed site topography and reflects the built form of the adjacent estate, which comprises dwellings located either side of the carriageway. This is a reasonable approach to developing the site.
- 7.3.4 The Council's current evidence indicates that the market housing needs in Caton and Brookhouse is predominately for 2 and 4+ bedroom detached and semi-detached properties with some 3 bedroom properties (and some bungalows). The affordable housing need is predominately 2 bedroom properties (preferably bungalows). It is acknowledged that the evidence gathered as part of the Neighbourhood Plan suggests there is a greater demand for smaller units. At this stage, the Draft Neighbourhood Plan does not form part of the Development Plan and therefore carries limited weight in the assessment of planning proposals. National Planning Practice Guidance (NPPG) states that a Neighbourhood Plan would only attain the same legal status as the Local Plan once it has been approved at a referendum; at which point it comes into force as part of the district's Development Plan. Consequently, there would be limited policy basis to push the developer for a significantly greater number of smaller units. The proposal provides a mix of housing types but in general provides predominately large market units and smaller affordable units. This approach is generally consistent with the approach set out in the Council's "Meeting Housing Needs SPD". Officers contend the housing mix is satisfactory. Whilst there may be a preference for a greater number of smaller units, Officers are of the opinion a refusal on such grounds could not be substantiated.
- 7.3.5 The layout of the 22 units across the site appears quite tight. This is perhaps a reflection of what appears disproportionately small gardens to large units, the site topography, and the backland position of the affordable units (plots 16-18) behind the central row of properties. Notwithstanding this, the plots on the whole meet the required residential amenity standards, secures suitable provision of open amenity space and scope for appropriate landscaping. The position of the open space is also much improved from the earlier submission (submitted with the full planning application). Its position now creates a "green" gateway into the development which benefits from natural surveillance and supports new landscaping. The proposal also incorporates extensive native hedgerow planting around the site boundaries and some plot enclosures and includes new tree planting. The scheme adopts an 'open-plan' approach to the design and appearance of the estate with only landscaping along the street frontages with no fences/enclosures. The carriageway dimensions have also been kept to a minimum with no formal footways but grassed/paved verges instead. This is to create a sense of shared space and minimises the visual impacts of the road infrastructure within this rural AONB location. These features collectively enable the development to better integrate into the landscape without leading to significant visual and landscape impacts on the area. The layout is considered acceptable.
- 7.3.6 With the house types and materials, the applicant seeks to utilise their standard house types which have been accepted elsewhere in the District. There is one new split-level house type and some of the standard house types have also been designed with split levels to work with the site topography. The house types are considered to reflect traditional vernacular in terms of the verticality of the buildings, the proportion of void to solid and simple detailing. The proposed materials are a combination of white roughcast render, artificial stone and slate with dark grey uPVC windows. The stone proposed is a grey split-faced product. The colour composition of these materials works well together and gives the scheme a slightly contemporary edge. Policy requires development to reinforce local distinctiveness to ensure new development integrates into the natural and built environment. Policy equally argues that planning policies and decisions should not attempt to impose particular styles or tastes. In this case, there may be an argument that a buff stone should be used. However, the site is not prominently visible from wider views within the AONB landscape and is not visually associated with the historic core of the village. It is also separated by more modern development on Sycamore Road and significant screening along the southern boundary. On this basis, Officers are minded to support the applicant's proposed use of materials.
- 7.3.7 The layout also needs to demonstrate that there is suitable car/cycle parking provision. The Council's parking standards are maximum standards, requiring 1 space for 1-bedroom properties; 2 spaces for 2/3 bedroom properties and 3 spaces for 4+ bedroom properties. For the larger units proposed, there are driveways suitable to accommodate two vehicles. These larger units also benefit

from garages to accommodate any additional parking needs and cycle provision. Given the narrow carriageway, it is considered necessary and reasonable to ensure the garages are only used for parking of a motor vehicle or domestic storage. The conversion or use of garages for other domestic purposes (habitable rooms such as bedrooms) could increase the demand for parking, which could lead to insufficient provision and inappropriate on-street parking. On this basis, a condition is required to control the use of the garages. On a similar point, there are some drives that are only just acceptable in terms of their length. These properties need garages fitted with roller doors to avoid vehicles over hanging the highway. This can also be secured by condition. The applicant has submitted a plan setting out the provision of electric charging facilities for each unit and cycle parking provision (small sheds) for the smaller units that do not benefit from garages. Such detail is acceptable and can be secured by condition.

7.3.8 On the whole, the scale, layout, landscaping, design and use of materials of the development is judged to be acceptable and would not harm the character and landscape qualities of the AONB, in compliance with saved policies E3 and E4, policies DM28 and DM35 and the relevant parts of the NPPF. Planning conditions will be required to secure the layout, design, appearance and landscaping of the site. It is also considered necessary and reasonable to remove certain permitted development rights including the provision of hard surfacing to the property frontages and the erection and alteration of fences/walls and other means of enclosures, in order to secure and maintain the open-plan appearance of the development.

### 7.4 Residential Amenity

7.4.1 The proposed layout has been designed (and amended) to secure an acceptable standard of amenity for future and existing residents in accordance with paragraph 17 of the NPPF and policy DM35. In relation to the standard of amenity provided within the development, on the whole the proposed layout achieves the minimum recommended separation distances between the proposed plots to ensure adequate privacy and sufficient garden space. Where the relationships have been considered tight the orientation of the dwellings have been revised (such as between plots 19 and 15). It is acknowledged that the position of plot 18 to plots 21 and 22 is not ideal. However, the property itself is orientated so the habitable windows face east-west with no habitable windows facing towards plots 21 or 22. There may be a perceived sense of overlooking into the garden of plot 18 due to the 13m interface distance but it is contended that with appropriate boundary details (1.8m high) and landscaping the slight difference in land levels would not lead to a significant adverse impact.

7.4.2 As the recommended amenity standards between the plots are only just acceptable (in a number of cases) it is considered necessary and reasonable to remove permitted development rights from this development. The provision of minor operations can be permitted but extensions, outbuildings, and new windows/doors should be prohibited in the interests of securing and acceptable standard of amenity for future and existing residents in the long term.

7.4.3 Regarding the impacts of the proposal on existing neighbouring residents, the neighbouring properties judged, in planning terms, to be most affected are 43, 86, 88 Sycamore Road, St Paul's Vicarage and 151 and 155 Brookhouse Road. Other neighbouring residents have raised concerns about the proposal, but those concerns are in relation to access/traffic/congestion/noise disturbance, which is not debated here. Other concerns over loss of views and outlook are noted, but other than the properties listed above, all other neighbouring dwellings are separated from the site by either other built development or are sufficiently far enough away that an argument over loss of amenity cannot be sustained.

7.4.4 To protect residential amenity, consideration is principally given to the interface distances, topography, orientation of dwellings and intervening boundary/landscaping details. In the case of 43 Sycamore Road, this two-storey property is orientated away from the principal elevation of plot 1, which faces onto Sycamore Road, with an interface distance of approximately 19.5m. This exceeds the required 12m and is judged acceptable. A similar relationship is proposed with 155 Brookhouse Road, where the side (blank) elevation of plot 1 faces the rear of this neighbouring bungalow (which is elevated above the proposed plot) with an interface of approximately 19.3m, far exceeding the required 12m. With regards 86 Sycamore Road, this two-storey property is on an oblique angle to plot 1 (the closest property) with an interface distance of approximately 24m. This is also considered an acceptable relationship in planning terms. In planning terms the proposed development would not lead to an unacceptable impact on the residential amenity of 151

Brookhouse Road either. The red edge boundary of the site is approximately 70m from the rear of their property and is separately by a belt of protected trees. St Pauls Vicarage sits behind plots 2 and 3. This neighbouring property is elevated above the proposed site and separated by an existing stone retaining wall. The applicant proposes to drop the site levels behind this neighbouring property with a further retaining feature in front of the stone wall. The proposed units are situated in excess of 25m from the rear elevation of the Vicarage building (at a much lower level) which again exceeds the recommended separation distances. This relationship is judged to be acceptable.

7.4.5 The most affected property is considered to be 88 Sycamore Road which is a large bungalow set in a large plot at the head of the existing cul-de-sac. Significant attention has been paid to the relationship of the development to this property with various amendments secured to address original concerns (from the original scheme presented with the full planning application). Amendments include the land levels on the proposed site being reduced (lowered), open space and landscaping being secured between the proposed built development and this neighbouring dwelling and the closest house type has been amended (plot 22) to reduce the impacts of the development. Plot 22 is now the applicant's bespoke split level property which has the lowest ridge height out of all the house types with a single storey attached garage to the east elevation of the house. It is orientated on a slightly oblique angle to the neighbouring bungalow with no habitable windows facing directly into their property. At the closest point the interface is approximately 16m extending to 18.6m from the corner of the main part of proposed house (not the garage) to the neighbours conservatory. This relationship exceeds the recommended 12m separation and is now judged to be acceptable. Plot 2 is also elevated above 88 Sycamore Road but is over 30m from the front elevation of this neighbouring dwelling and shall be separated by landscaping between the proposed road and 88 Sycamore Road's southern boundary. The plans indicate the existing hedgerow here will be retained. The landscaped/ecology area in the north eastern corner is not intended to form part of the public open amenity space and left as undeveloped land with planting. This area shall be maintained and secured by condition. The proposed landscaping along the eastern boundary will also ensure that neighbouring residential amenity is protected. This will also create some defensible space between the open space and this property.

7.4.6 Overall, the proposed development has been designed to secure acceptable standards of residential amenity for future residents and existing residents of neighbouring property. Whilst there will be an inevitable change in character of the site from agricultural land to residential development - such is a matter addressed under the outline permission - the layout, scale and landscaping ensure the development would not lead to significant adverse impacts that would render surrounding neighbouring properties inhabitable. On this basis, the development is considered acceptable and compliant with paragraph 17 of the NPPF and policy DM35 of the DM DPD.

## 7.5 Planning conditions

7.5.1 The outline planning permission included a number of conditions covering a range of matters. The only condition on this planning permission that could be implicated by the layout relates to surface water drainage. Through the submission of supporting documents and consultation on the full planning application, Officers are comfortable that the proposed layout is unlikely to compromise measures required to satisfy the drainage condition on the outline approval. The drainage strategy provided to date indicates that infiltration is not feasible and that there is no watercourse on site to directly connect to. In accordance with the SuDS hierarchy, draining to the public surface water sewer which connects to Artle Beck is the likely solution. A drainage scheme will need to ensure there is sufficient attenuation on site to allow a controlled discharge to the sewer, such is indicated to comprise over-sized pipes and underground tanks. These are capable of being accommodated under the open space and potentially under the road network, which is not intended to be put forward for adoption, shown on the submitted layout. The precise details of the drainage scheme would be considered and agreed as part of the discharge of condition application.

## 8.0 Planning Obligations

8.1 The outline planning permission was subject to a legal agreement securing the following:

- Up to 40% on-site affordable housing units of which 50% shall be provided as intermediate housing and 50% shall be social rented subject to development viability at the Reserved Matter stage.

- On-site area for allotments or a financial contribution towards the provision of off-site allotments – the figure to be agreed at reserved matters stage;
- Provision of Amenity Green Space to be provided and maintained as Amenity Green Space in perpetuity.

- 8.2 The legal agreement has the provision to allow the developer to re-negotiate the affordable housing requirements at the reserved matters scheme if it becomes apparent that abnormal costs of developing the site prohibit the delivery of a viable form of residential development. This is a common approach when dealing with outline planning applications. Such re-negotiation requires detailed evidence from the developer in the form of a financial viability appraisal. In this case, there have been lengthy negotiations during the course of the earlier application for full planning permission for 21 dwellings (16/01603/FUL). The Council sought independent expert advice to assist Officers in such negotiations. The developer (as part of the full application) originally proposed 2 affordable housing units. Whilst this application proposes an additional unit taking it to 22 dwellings units in total, Officers have now secured a total of 4 affordable housing units based on 50% intermediate housing and 50% affordable rent (opposed to social rent). This is somewhat below our policy expectations and is disappointing but national and local planning policy require Local Planning Authorities to consider the impacts of development viability and the delivery of housing in policy making and decision taking. The applicant has reasonably and sufficiently evidenced that the viability of the scheme is challenging and could not support a greater number of affordable units proposed or alternative tenures. On this basis, it is accepted that the alternative affordable housing scheme comprising two 1-bed affordable rented units, one 2-bed shared ownership unit and one 3-bed shared ownership unit is justified. This will need to be formalised as part of the s106 legal agreement by an exchange of letters.
- 8.3 The second obligation relates to an allotment contribution. This is the subject of the pending variation of legal agreement application, which is also being reported to this Committee Meeting.
- 8.4 The third schedule relates to the provision of Amenity Green Space, details of which are to be agreed at the Reserved Matters stage. As part of the layout considered and negotiated, amenity green space has been secured to the east of plot 22, the west of plot 19 and a small section of land to the north of the site entrance/access. The amount and locations of this amenity green space is acceptable and would be covered by the obligation to be made available to the public and maintained in perpetuity. The landscaped/ecology area shall not be available to the public and so is not covered by the s106 and instead shall be secured by condition.

## **9.0 Conclusions**

- 9.1 The proposed scale, layout, appearance and landscaping of the scheme has been carefully considered and negotiated to ensure the development does not have a significant adverse impact on the visual amenities of the area, the character and landscape quality of the AONB or the residential amenities of existing and future residents. It is on this basis that Members are recommended to approve this application for reserved matters.

## **Recommendation**

That Approval of Reserved Matters **BE GRANTED** subject to the following conditions:

1. Reserved Matters time limit
2. Approved Plans List
3. ***Pre-commencement***  
Details of retaining features to be agreed
4. ***Pre-construction of dwellings***  
Stonework panel to be agreed  
***Control conditions***
5. Development to be carried out in accordance with the Tree Report, in particular tree protection fencing to be installed before commencement of site activity.
6. Submitted AMS to be implemented (subject to Tree protection Officer comments)
7. Provision of electric charging points within the development to be provided in accordance with submitted details before occupation and maintained/retained at all times thereafter
8. Cycle storage provision for dwellings without garages to be provided as set out in accordance with submitted details and retained at all times thereafter.

9. Driveway parking/garages to be provided before occupation of each unit
10. Boundary details/layout to be provided as set out in submission and maintained/retained at all times thereafter
11. Development to be carried out in accordance with agreed Materials Schedule
12. Landscaping scheme to be implemented in full and maintained in accordance with submitted Management Plan (subject to Tree Protection Officer comments)
13. Open space as indicated on the site layout plan to be provided in full before 1<sup>st</sup> occupation or completion of the development whichever occurs first, unless an alternative phased timetable for implementation is first agreed with the LPA.
14. Ecology/landscaped area indicated on the site layout plan shall be provided full before 1<sup>st</sup> occupation or completion of the development whichever occurs first, unless an alternative phased timetable for implementation is first agreed with the LPA, and shall be maintained for such purposes at all times thereafter.
15. No windows or doors to be inserted without prior express consent of the LPA
16. Removal of PD rights (Part 1 (except for Class G and H) and Part 2 (except for class D, D and F)
17. No gates, fences, enclosures to be installed or hardstanding between the highway and the frontages/sides of the dwellings hereby approved.
18. Garage use restriction (parking or storage only)
19. Garages to plots 2, 3, 12 and 13 to be fitted with roller garage doors (or alternative garage door which has no external overhang) to provide suitable off-street parking.

### **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:

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

### **Background Papers**

None

<b>Agenda Item</b> A6	<b>Committee Date</b> 21 August 2017	<b>Application Number</b> 17/00924/VLA
<b>Application Site</b> Land Off Sycamore Road Brookhouse Lancashire	<b>Proposal</b> Variation of legal agreement attached to planning permission 14/00270/OUT to remove the obligation relating to the allotment contribution.	
<b>Name of Applicant</b> Oakmere Homes	<b>Name of Agent</b> Mr Daniel Hughes	
<b>Decision Target Date</b> 19 September 2017	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	N/A	
<b>Summary of Recommendation</b>	Approve	

## 1.0 The Site and its Surroundings

1.1 The site that is the subject of this application, relates to an existing property (47 Sycamore Road) and the adjoining field to the west. The site is accessed via Sycamore Road within the village of Brookhouse located in the Forest of Bowland AONB. The site is surrounding by existing residential development to the east and south and open agricultural land to the north and partly to the west where land is also used for equestrian purposes.

## 2.0 The Proposal

2.1 This is an application made under Section 106A(1)(a) of the Town and Country Planning Act 1990. The applicant is seeking to remove paragraph B of Schedule 3 from the legal agreement associated with planning permission 14/00270/OUT. Paragraph B reads as follows:

*“Prior to Commencement of Development the Owner covenants to provide an on-site area for allotments or a financial contributions towards the provision of an off-site area for allotments the particulars of which and the amount of such contribution to be agreed at Reserved Matters stage”.*

## 3.0 Site History

3.1 The relevant planning history is set out below:

Application Number	Proposal	Decision
14/00270/OUT	Outline application for the demolition of existing bungalow and erection of up to 31 dwellings	Approved
16/01603/FUL	Demolition of existing dwelling and erection of 21 dwellings with associated access, landscaping and parking	Pending
17/00730/REM	Reserved Matters application for the erection of 22 dwellings	Pending



17/00925/RCN	Application to removal condition 4 of 14/00270/OUT relating to off-site highway works.	Pending
17/00133/DIS	Application to agree details reserved by pre-commencement conditions on the outline permission 14/00270/OUT	Pending validation

**4.0 Consultation Responses**

4.1 Legal Services have been consulted about this proposal with no comments received to date.

**5.0 Neighbour Representations**

5.1 No comments received.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework  
Paragraphs 203 – 206 Planning conditions and obligations

Development Management DPD  
DM26 – Open Space, Sports and Recreational Facilities  
DM48 – Community Infrastructure

Other Considerations

National Planning Practice Guidance  
Planning Advisory Note (October 2015) - Open Space Provision within New residential Developments.

**7.0 Comment and Analysis**

7.1 An application under s106A(1)(a) provides for a discharge or modification of a planning obligation by agreement with the Local Planning Authority and the person or persons against whom the obligation is enforceable. The applicant has evidenced that all parties whom the obligation is enforceable against are agreeable to make the proposed modifications. There is no specific time period under section 106 A(1)(a), so this can be done at any time with agreement but must be executed as a formal deed (i.e. by legal agreement).

7.2 The applicant contends that the obligation which covenants the owner to provide on-site provision or off-site contributions towards allotments, is effectively no longer necessary to make the development acceptable and no longer serves a useful planning purpose.

7.3 The reasoned justification relates to the fact that following the outline planning permission being issued, the Council published a Planning Advisory Note (PAN) in relation to open space. This is set out in the Open Space PAN document (dated October 2015). This guidance informs consideration of open space requirements for new development under Policy DM26 and clearly states that contributions towards allotment provision should only be sought on-site for schemes comprising 500 or more dwellings. The PAN document states that there are no requirements for financial contributions in lieu of on-site provision.

7.4 For small scale schemes such as this one, there is no longer any justification for securing contributions towards allotment provision. It is accepted that the obligation concerning the provision of allotments (on-site or a financial contribution off-site) does not make the development unacceptable. In short, it is questionable whether the obligation in the first instance was compliant with the requirements of the Community Infrastructure Levy but certainly now, in light of current guidance, the contribution is not considered necessary. To further support the argument this obligation no longer serves a useful planning purpose, the Council's Public Realm Officer has indicated (in their response to the Reserved Matters application) that the Parish Council has been unable to identify land for allotments. With no allotments in the settlement or planned within the village, the contribution could not be spent in the village (potentially spent on allotments elsewhere in the District) rendering the obligation unreasonable as it would not be directly related to the

development either. On this basis, Officers have no alternative but to support the applicant's proposed modifications and recommend that there are no grounds not to reach agreement to allow the removal of Paragraph B of the Third Schedule.

### **8.0 Planning Obligations**

8.1 A formal deed is required to remove the obligations relating to the allotment contribution set out at Paragraph B of Schedule 3.

### **9.0 Conclusion and Recommendation.**

9.1 This legal agreement can only be modified by agreement. For the reasons set out above, Members are recommend to accept the proposed modifications as it no longer serves a useful planning purpose:

That Paragraph B of the Third Schedule of the legal agreement attached to the outline planning permission 14/00270/OUT be removed.

### **Background Papers**

None

Agenda Item A7	Committee Date 21 August 2017	Application Number 17/00731/FUL
<b>Application Site</b>  The Tractor Yard Capernwray Road Capernwray Carnforth	<b>Proposal</b>  Demolition of existing buildings and erection of five industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking	
<b>Name of Applicant</b>  Mr S Wightman	<b>Name of Agent</b>  JWPC Chartered Town Planners	
<b>Decision Target Date</b>  18 September 2017	<b>Reason For Delay</b>  None	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

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

- 1.1 The site relates to an area of land located within the dispersed hamlet of Capernwray, approximately 2.3km to the north of Over Kellet and 3.9km to the north east of Carnforth. It comprises a large area of hardstanding, a single storey rendered building with a metal roof and a portable building, and is used for the sale, hire and servicing of agricultural vehicles. The site was originally part of the adjoining farm complex, Capernwray Old Hall Farm, and is still under the same ownership. This includes a number of large modern agricultural buildings, and a Grade II Listed farmhouse located approximately 90m from the application site. Most of these buildings appear to be used in association with the applicant's caravan site for the storage of caravans. However, part of the building to the north of the application site is used as a workshop in association with the tractor yard.
- 1.2 The site has an existing access from Capernwray Road and adjoins a field to the east. The south west, south east and north east boundaries comprise stone walls and a row of mature trees which are predominantly conifers. There are some other smaller groups of trees within the site. There is a group of residential properties located to the east, the closest boundary of which is approximately 60m from the site. Two of the buildings within this group, Rose Cottage and New Capernwray Farm, are Grade II Listed. The Lancaster Canal is located approximately 130m to the west and is a Biological Heritage Site. The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and is within a Radon Affected Area where basic radon gas protection measures are necessary.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the erection of four buildings in order to provide eight industrial units. These will have a mixed use of light industrial and storage and distribution. The proposal also includes the removal on one building on the site which measures approximately 18m by 8m. Three of the buildings would be 19.7m by 11.6m, with a height of 4m to the eaves and 6 metres to the ridge. One of these would be divided into two units. The fourth building would be a combination of two of these buildings with a longer, thinner one in the centre, giving a total length of 63.2m. These would have the same eaves and ridge height from the front but each section would be stepped up, presumably following a change in levels across the site. A total of 54 parking spaces are proposed,

and an additional area of hardstanding appears to be proposed in the northeast corner of the site, although its use is unclear. The buildings are proposed to be finished in timber boarding above a blockwork plinth and have a fibre cement or profile steel roof.

**3.0 Site History**

3.1 Planning permission was refused at Planning Committee in December 2016 for the demolition of existing buildings and the erection of four industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking, similar to the current proposal. It was refused for the following reason:

*The site is in an unsustainable location within the open countryside, remote from services. Sufficient justification has not been provided to warrant the erection of the industrial units in this isolated location. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 3, Policy SC1 of the Lancaster District Core Strategy and Policies DM7, DM15 and DM20 of the Development Management Development Plan Document.*

3.2 When the last application was determined, the site benefited from a certificate of lawful use of the land and buildings for agricultural engineering, sales and support workshop which was granted in 2001. This was very specific in relation to the areas used for the parking and turning of vehicles for customers, staff, sales and hire and restricted the number of vehicles for sale to 10, the number of vehicles for hire to 10, the number of staff vehicles to 5 and the number of employees to 6 full time equivalent. In May 2017 a lawful development certificate was granted for the use of the land and building for agricultural engineering, sales, hire, repair, without any of the previous restrictions. A lawful development/use certificate cannot impose conditions, rather the limitations set out provide a benchmark from which any future use may be examined to determine if there has been a material change of use.

Application Number	Proposal	Decision
17/00263/ELDC	Existing lawful development certificate for the use of land and building for agricultural engineering, sales, hire, repair and storage	Approved
16/01060/FUL	Demolition of existing buildings and erection of four industrial buildings comprising mixed use Light Industrial (B1) and Storage and Distribution (B8) with associated access road and parking	Refused
16/00392/PRETWO	Change of use and erection of industrial units (B1 and B8)	Advised that planning permission would not be supported
06/00243/FUL	Construction of an open air wash bay for the use of forestry, agricultural and construction, plant and equipment.	Withdrawn
04/00362/FUL	Erection of an building for the storage of tractors and combine harvesters	Approved
03/00250/CU	Change of use of vacant agricultural building to storage use	Approved
01/00786/ELDC	Application for Certificate of Lawful use for land and buildings used for agricultural engineering, sales and support workshop	Approved
01/00052/ELDC	Application for certificate of lawfulness for land and buildings used for agricultural engineering, sales and support workshop	Refused
00/00996/CU	Change of use of existing buildings to agricultural engineering sales and support workshop	Withdrawn

**4.0 Consultation Responses**

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

Consultee	Response
<b>Over Kellet Parish Council</b>	<b>Object.</b> Concerns include the height of the buildings and the visual impact on the surrounding area; loss of trees which screen the existing buildings; the disposal of foul and surface water and flooding issues on adjacent land; precise details of lighting and hours of operation as unclear from the submission; and vehicular movements to and from the site due to narrow places on the road and at Over Kellet.
<b>County Highways</b>	<b>No objection</b> subject to conditions requiring: improvements to the access; surfacing of first 10 metres with a bound material; gateposts to be erected 10 metres back from carriageway; access to be constructed to a minimum width of 6 metres; and boundary wall/ hedging along the frontage to be reduced to no higher than 1 metre for 70 metres.
<b>Environmental Health</b>	No comments received during the statutory consultation period. In relation to the previous application they raised no objection and suggested that hours of operation of 0730-1800 Monday to Friday and 0800-1300 Saturday would be acceptable.
<b>Tree Protection Officer</b>	<b>No objection</b> subject to conditions requiring: submission of a tree planting scheme; development carried out in accordance with the arboricultural implications assessment.
<b>Natural England</b>	<b>No comments to make.</b>
<b>Lead Local Flood Authority</b>	No comments received during the statutory consultation period.
<b>Cadent Gas (formally National Grid)</b>	No comments received during the statutory consultation period.
<b>British Pipeline Agency</b>	No comments received during the statutory consultation period.
<b>Canal and River Trust</b>	<b>No comments to make.</b>
<b>Lancashire Fire and Rescue Service</b>	<b>Recommendations</b> - It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service' and the proposal is provided with suitable provision of Fire Fighting water.

## **5.0 Neighbour Representations**

- 5.1 1 piece of correspondence has been received objecting to the proposal and raises the following concerns:
- Provision for 50 designated parking spaces indicates heavy vehicular use and Capernwray Road can be dangerous at times as it is narrow and winding. Suggest the percentage of B8 is reduced below 25%;
  - Hours should be limited from 0800-1800 Monday to Friday to reduce impact on residents;
  - Additional planting should be provided along boundaries and lighting should be discreet;
  - Clarification is required in relation to disposal of foul and surface water drainage;
  - Clarification on the use of the building to north outside the site, used as a machinery workshop;
  - This development appears to be speculative and the demand in this area for this facility has not been proven;
  - This is a remote site, located within open countryside, remote from services and public transport and will significantly increase number of people working and visiting the site, will bring no benefit to the community and is therefore unsustainable.
  - Agricultural use would be more appropriate in this location.
- 5.2 1 piece of correspondence, on behalf of three residential properties, has been received which does not raise objections to the proposal but highlights the following comments, queries or concerns:
- Could hours of use be restricted so as not to detract from the tranquillity of the area, particularly in the evenings and at weekends;
  - There should be a minimal level of external lighting given the rural nature of the area;
  - The use of the north east corner of the site is unclear;
  - Important to ensure that the soakaways function correctly in order to avoid flooding to adjacent land as the land drains poorly;

- Crown raising of trees to 4 metres will have a negative effect on screening.

5.3 1 piece of correspondence has been received in support of the application which raises the following point:

- Has a tree surgery business and this site would provide somewhere to operate this from.

## **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 28 – Supporting economic growth in rural areas

Paragraph 32 – Access and Transport

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraph 109 – Protecting valued landscapes and minimising impacts on biodiversity

Paragraph 118 – Conserving and Enhancing Biodiversity

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

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

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

E4 – Countryside Area

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

DM7 – Economic Development in Rural Areas

DM15 – Proposals Involving Employment Land and Premises

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM35 – Key Design Principles

DM39 – Surface Water Run-Off and Sustainable Drainage

## **7.0 Comment and Analysis**

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

- Principle of the development
- Size, siting, design and landscape impact
- Highways and parking issues
- Biodiversity
- Heritage assets
- Residential amenity
- Drainage

### **7.2 Principle of the development**

7.2.1 The site is located within the small, geographically-dispersed settlement of Capernwray. It is in the open countryside, divorced from any settlements containing services and public transport routes. Policy SC1 of the Core Strategy promotes sustainable development, in terms of its location, and sets out that development should be located where it is convenient to travel to and from the site by walking, cycling and public transport. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise opportunities for the use of walking, cycling and public transport. In relation to economic development in rural areas, Policy DM7 sets out that proposals which maintain and enhance rural vitality and character will be supported where it is demonstrated that they improve the sustainability

of rural communities by bringing local economic, environmental and community benefits.

- 7.2.2 The application proposes eight units in total, to be used for light industrial and storage and distribution purposes (Use Classes B1(c) and B8), and will replace a building on the site and some of the existing area of hardstanding. It is acknowledged that there was another larger building on the site, associated with the existing use, but this was damaged by fire in 2015, and has been removed. The site did benefit from a certificate of lawful use, issued in 2001, for the use of land and buildings for agricultural engineering, sales and support workshop. This was very specific in terms of the use of different areas of the site, the number of vehicles and number of employees. A further certificate was issued earlier this year, without the limitations, as it was clear that there had been an intensification of the use and this use has continued to operate for at least the last 10 years, with the current operator leasing the site from February 2007. However, the existing certificate could not restrict the use in the same way that planning conditions can, only provide a benchmark against which to assess any intensification of the use.
- 7.2.3 The submission sets out that the site was once part of the neighbouring Capernwray Hall Farm which, following the need to diversify in the 1980s, came to be used for the storage, sales and repair of machinery by the current owner. The site has been occupied over the years by a number of operators specialising in this field and is currently occupied by Bryan Hoggarth Ltd, an agricultural tractor and machinery hire, sales, servicing and repair business. It goes on to say that the use of the site is intensive and operations can run from 0500 until 2200 and that there are no planning restrictions to control matters such as numbers of vehicles or hours of operation. Whilst the existing use is one that has never been considered through a planning application, there is a clear justification for it to be in a rural location, given the area served by the business, and would be unlikely to be appropriate in an urban location given the type of machinery provided. It also started as a farm diversification scheme.
- 7.2.4 The proposal would not re-use existing buildings and would increase the number of businesses and employees operating from the site. Given the isolated rural location, people working from this site would likely be wholly reliant on private transport and the type of use proposed is likely to result in a number of vehicle movements to and from the site. The submission sets out that it is expected that the units would be rented by small businesses. It goes on to say that the applicant has been in discussions with a local chartered surveyor and estate agent who has identified that there is demand for units of this scale in this part of the Lune Valley. However, no evidence was initially provided in relation to this, including details of any potential end users, or why they would require a specific site at Capernwray.
- 7.2.5 The applicant considers that there is an established use of the site, which is more intensive than the proposed use in terms of vehicles trips which is clear from the conclusions of the Transport Assessment. From surveys carried out in June 2016, the Transport Assessment sets out that the current daily average of trips generated is 150 and the estimated daily average for the proposed use is 224, which therefore highlights an increase. It goes on to say that the owner of the site has indicated that there has been a reduction in the number of trips by 60% to/from the site since the fire in 2015. Therefore prior to the fire incident, the number of trips has been calculated at 375. However, there is no evidence to support this and, it was queried in a neighbour representation during the last application. Irrespective of the current number of vehicle movements, the use does relate to one specific user, which is one probably more suited to a rural area. However, it is considered that this does not justify a speculative development for light industrial and storage purposes for a number of different users, not necessarily linked to the rural area, which will also displace the current use.
- 7.2.6 There may be justification for the redevelopment of the site, but it would be inappropriate for general industrial units to be sited in this location which had no link to the rural economy. The agent has been advised that if evidence can be provided to demonstrate that there is a specific need for this type development in Capernwray then the proposal may be supported, but sufficient controls would need to be put in place to ensure that the development continued to serve this need rather than encouraging businesses that would be more appropriate in an urban location. The need in this area may not relate to what is proposed, which appears to be speculative and not based on evidence and the need may relate to something similar to the existing use that is difficult to locate in the urban area.
- 7.2.7 Additional information has now been received, including a Sequential Test and some three letters

from businesses who might be interested in units at this site. This evidence has been considered by the Planning Policy team. Whilst there is no specific requirement for an assessment of alternative sites within the DM DPD, it is a logical starting point as it assists in demonstrating whether what is proposed is sustainable development in the context of the NPPF. In looking at the area of search it has been suggested that the new units will be meeting specific rural needs. However, no evidence has been supplied to support this, or any exceptional circumstances put forward to demonstrate why a rural location is necessary. Therefore it is reasonable to expect that the Sequential Assessment takes a wider focus on employment opportunities focusing on Carnforth, the rural north of the District and opportunities in sustainable locations in South Lakeland (for example Milnthorpe) rather than the three mile radius used in the assessment. A number of 'essential requirements' have been set out in assessing whether alternative sites exist. However, given the lack of end users for the proposal, it is not clear how these can be considered as essential.

- 7.2.8 It is important to highlight the significant levels of allocated employment land in the Carnforth area which reflects the town's industrial past. In total there are 7 allocated employment sites in Carnforth which provide the town with 26.09 hectares of employment land, and this allocated land is supplemented by a number of smaller employment spaces, such as the Lyne Riggs Estate on the A6, which provides opportunities for economic growth in the rural north of the District. The Council, through the emerging Local Plan process, will be investigating whether further employment land should be allocated to increase the portfolio of employment sites in the District. There are a range of employment sites in the Carnforth area which have significant vacancy and opportunity for employment growth. Whilst there are concerns over the deliverability of the remainder of Carnforth Business Park there remain significant portions of this site available for development and allocated in the Local Plan, and it is the Council's understanding from correspondence earlier this year that the site is continuing to be marketed for employment purposes. The former TDG site is currently allocated for employment purposes under the adopted plan and identified as a development opportunity site within the emerging plan. Both policies actively seek to promote employment opportunities for the site (subject to HGV movements through the town centre) and the site is currently being marketed for a range of employment units under the title of Keer Park. Beyond the opportunities on wider employment land, a range of employment premises currently on the market have been noted within the Carnforth/Milnthorpe area (three have been found from a brief search). Therefore it is considered that the assessment has not genuinely taken account of employment opportunities in the area and does not make a sufficient case for the lack of employment opportunities in the northern parts of the District.
- 7.2.9 As set out above, three letters have been provided by the agent from local businesses who highlight their desire to find alternative accommodation, in addition to one received as a public representation. These, however, do not demonstrate that there is a specific local need for employment units in the Capernwray area and the key theme which re-occurs in all the letters is the issue of affordability, not availability. The issue of providing low cost, affordable, small employment units is primarily a matter which is out of the control of the planning system and not an issue which will be clearly addressed through the approval of this application. At least two, and possibly three, of the uses put forward in the letters do not appear to fall within the use classes being applied for and appear to be B2 (General Industrial). These therefore cannot be considered to show that there is a need for the type of business accommodation proposed. Policy DM7 of the adopted Development Management DPD does provide support for economic growth in rural areas but this should be considered in the wider context of the policy, and it does not appear that the proposal seeks to identify how it improves the sustainability of rural communities.
- 7.2.10 The submission also refers to a number of applications and sets out that these are in similar locations to the site. It should be emphasised that each application must be determined on its own merits and the specific site, surroundings and nature of the development taken into account when assessing the proposal. It is also worth noting that planning permission was refused, and the decision upheld at appeal twice, for a development for a B1 use a similar distance from Over Kellet, but to the south east. This also related to a previously developed site, but for equestrian use, and partly related to an existing business at the site. The Inspector concluded that the proposal would make use of previously developed land and would be well designed, but the combined development would be relatively isolated such that it would not be economically and environmentally sustainable. The decision went on to say that the development taken as a whole would not represent the sustainable growth of a rural business and would be contrary to the Framework and Policy DM7 of the DM DPD as it would not be of an appropriate scale. There would also be a degree of conflict with Policies DM15 and DM20 due to the lack of accessibility for walking and cycling and the non-



sustainable travel patterns that would result from the speculative elements of the overall development.

7.2.11 Four of the units are proposed to have 104 square metres of floor space, whilst the other four would have 210 square metres, each with associated office and washroom facilities. The submission states that approximately 942 square metres will be B1(c) and 314 square metres will be B8, creating a light industrial/storage/distribution mixed-use site. 54 parking spaces have been shown on the submitted plans. There is also another area of hardstanding in the northeast corner of the site, the use of which is unclear, but could be used to park larger vehicles. The number of spaces appears excessive and would indicate quite an intensive use of the site, although the submission does say that it is not envisaged that this number will be required. As already set out, the development is speculative, with no end users known. Some cycle storage is proposed, but it is not considered that this overcomes the issues relating to the accessibility of the site. Light industrial and particularly storage and distribution uses will require access for not only the people employed on the site but for deliveries to and from the site. There is also potential for ancillary retail uses which would further increase numbers of visitors to the site, who would be reliant on private transport. During the previous application a letter from the applicant set out that there was an opportunity for the redevelopment of the site following the fire in 2015 and the current tenant did not wish to renew the tenancy agreement, which ran out in January 2017. It went on to say that the tenant was looking to purchase his own site, ideally in the Carnforth area, but possibly moving back to Kendal to a site already owned. It appears that the use is still operating from the site and the agent has been asked if they could provide information in relation to any potential new site for the existing business. It would raise concerns if the granting of this consent for general industrial units then resulted in the existing business relocating to a greenfield site that equally raised policy concerns. No information has been provided.

7.2.12 Although the site would utilise previously developed land, it is located in the open countryside in a relatively isolated position in terms of services and facilities. Whilst it is important that planning decisions support a strong and prosperous rural economy, in accordance with paragraph 28 of the NPPF, in terms of the economic and social dimensions of sustainability it is considered that the current proposal is unsustainable and no exceptional justification has been provided for the type of development proposed in this location. The proposal is therefore considered to be contrary to the Core Strategy and Development Management Policies set out above in addition to the aims and objectives of the NPPF.

### 7.3 Size, siting, design and landscape impact

7.3.1 The site currently contains a relatively low industrial building and large areas of hardstanding. The south and south-east boundaries comprise a stone wall and a number of mature trees which provide a significant amount of screening to the site. It is most visible close to the entrance but there are a number of existing agricultural buildings at Capernwray Old Hall Farm adjacent to the site. Although the proposal will result in a number of additional buildings, they would be located within the confines of the existing developed area and would be well-related to the large modern farm building on the adjacent site. They would also be set back from the highway but closer than the existing buildings.

7.3.2 It has been indicated that trees along the south east and south west boundaries will be mainly retained and protected during construction and some additional planting is proposed. This screening is important as it predominantly prevents views into the site and softens the buildings, machinery and hardstanding. There will, however, be one long building adjacent to the south east boundary, some of which is likely to be visible outside the site given the height. The design for the buildings put forward is of a modern agricultural style. It was previously advised that this would be more appropriate if the lower portion of the wall was not left as exposed blockwork, but finished in render or stone, and the roof finished in dark grey. Provided that appropriate additional planting and finishes to the buildings, given the existing nature of the site and its location adjacent to the some large farm buildings, it is considered that the proposal will not have a detrimental impact on the character and appearance of the area.

### 7.4 Highways and parking issues

7.4.1 A transport assessment has been submitted with the application. The Highways Authority agrees with the conclusions of the report, in that the re-development could be delivered without detrimental impact on highway operation or safety and the volume of trips likely to be generated by the proposed

development can be satisfactorily accommodated on both the local highway network and through limited improvements to existing visibility splays at the site's point of access with Capernwray Road. The response does also set out that the residual cumulative impact of the number of trips generated by the proposed development, when assessed against the area's existing use can be considered sustainable. However, as set out in section 7.2, there are questions with how the number of existing trips has been reached, as it is based on an assumption rather than actual data, and there are other factors to take into account.

- 7.4.2 In considering an appropriate site layout, the Highways Officer has recommended that:
- A 2 metre wide footway along the access roads easterly or westerly boundary is provided for the benefit of employees / visitors to the estate;
  - The minimum overall width of site access road should be 6 metres to allow for the passage of two heavy goods vehicles without conflict;
  - A 10 metre kerb radii is created at the site's point of access with the highway;
  - The first 10 metres of the access road is surfaced in a bound material; and
  - The movements of HGVs can be successfully accommodated within the site.

Capernwray Road has a speed classification of 60 mph. However, the transport assessment data suggests that 85% of vehicular speeds are in the region of 38mph. The Highways Officer has confirmed that reduced visibility splays of 2.4 metres by 70 metres, in each direction, is acceptable. It has been advised that this could be achieved through the removal of established "leylandii conifers" and reduction in height of the intervening boundary hedging / dry stone walling to 1 metre. However, there are concerns about this as it would open up views of the site. The visibility splay has been shown on the plan and does appear to be achieved without impacting on the trees, although the condition would need to be carefully worded as some of the canopy overhangs the highway but at a higher level.

- 7.4.3 In terms of parking standards, the Highways Authority has advised that the maximum number of parking spaces should be around 30, and the level proposed is above that normally required for this use. However, no objections have been raised given the site's rural location and lack of alternative transport arrangements to and from the site. Overall, it is considered that the development will not have a detrimental impact on highway safety.

## 7.5 Biodiversity

- 7.5.1 The proposal involves the demolition of a building which, although of a modern construction is in close proximity to a row of mature trees and the canal. As such, there is potential for bats to roost within the buildings. A bat survey has been submitted which sets out that there are no records for bats immediately adjacent to the site. However, recent surveys have located bats using the surrounding habitat which would provide a moderate level of foraging opportunities for bat species. The building was inspected for potential use by bats and it was considered that overall it is well sealed and its construction materials and methods provide negligible potential for bat roost sites. The report also concludes that the proposal is not considered likely to impact upon the foraging potential of the local area. General working guidelines have been recommended. The report does not include an assessment of any trees, however, this is not considered to be essential given that most of these are now proposed to be retained. As such it is not considered that there would be a detrimental impact on protected species.

## 7.6 Impact on Heritage Assets

- 7.6.1 There are some Grade II Listed Buildings located relatively close to the site. However, given the intervening buildings and screening, it is not considered that the proposal will have an adverse impact on the setting of these buildings.

## 7.7 Residential amenity

- 7.7.1 There are no residential properties immediately adjacent to the site, with the closest being Capernwray Old Farm, which is within the former farm complex. The others close to the site are separated by screening and a field and as such, it is unlikely that the proposal would have a significant adverse impact on residential amenity. The industrial use is one that should not cause harm to residential amenity, being B1 (light, not general, industrial uses). The most likely impact

would be as a result of vehicle movements. Confirmation has been requested regarding hours of operation and deliveries, as these have not been provided in the submission.

### 7.8 Drainage

- 7.8.1 A package treatment plant and soakaways have been shown on the site plan to serve the development. Some concerns have been raised by residents in relation to the drainage of the site, but it is considered that this could be adequately covered by condition to ensure that foul and surface water drainage can be disposed of and that the soakaways proposed will achieve this.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

- 9.1 Although the site would utilise previously-developed land, it is located in the countryside area as designated in the Development Plan in a relatively isolated position in terms of services and facilities. Whilst there may be a justification for the redevelopment of the site, it would be inappropriate for industrial units to be sited in this location which had no link to the rural economy. Unfortunately, no substantive evidence has been provided to demonstrate that there is a need in Capernwray for this type of development that could not be met in more accessible, sustainable locations. Therefore, in terms of the economic and social dimensions of sustainability, it is considered that the site is not sustainable and no exceptional justification has been provided for the development in this location. The proposal is therefore considered to be contrary to the Core Strategy and Development Management Policies set out above in addition to the aims and objectives of the NPPF and as such is unlikely to be supported.

### **Recommendation**

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

1. The site is in an unsustainable location within the open countryside, remote from services. Sufficient justification has not been provided to warrant the erection of the industrial units in this isolated location. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 3, Policy SC1 of the Lancaster District Core Strategy and Policies DM7, DM15 and DM20 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. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the report.

### **Background Papers**

None

<p><b>Agenda Item</b></p> <p>A8</p>	<p><b>Committee Date</b></p> <p>21 August 2017</p>	<p><b>Application Number</b></p> <p>17/00623/VLA</p>
<p><b>Application Site</b></p> <p>Land To The Rear Of Burr Tree Cottage Long Level Cowan Bridge Lancashire</p>		<p><b>Proposal</b></p> <p>Variation of legal agreement on planning application 15/00537/FUL to remove the provision relating to the delivery of affordable housing</p>
<p><b>Name of Applicant</b></p> <p>Mr Colin Hetherington</p>		<p><b>Name of Agent</b></p> <p>Mr Graham Love</p>
<p><b>Decision Target Date</b></p> <p>3 August 2017</p>		<p><b>Reason For Delay</b></p> <p>-</p>
<p><b>Case Officer</b></p>		<p>Ms Charlotte Seward</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approval to progress to Deed of Variation</p>

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

- 1.1 The application site is on the north east side of A65 close to the centre of Cowan Bridge. Planning permission was granted in August 2015 (15/00537/FUL) for the erection of 18 dwellings with associated access and parking at this site.
- 1.2 This permission was subject a Section 106 Agreement dated 10 August 2015. The agreement requires that 7 of the 18 units are delivered as affordable housing equating to 39%. Of these 7, 3 units (numbers 8, 10 and 12) are to be social rent units and 4 units (4, 7, 11 and 13) are to be shared ownership.
- 1.3 Construction of the development has commenced and is significantly progressed. Within the last 6 months 1 application for discharge of conditions and 2 applications for variation of condition have been determined. The variation of condition applications have amended the materials and elevation details of the homes and the surface water drainage scheme.

## **2.0 The Proposal**

- 2.1 This application seeks to vary the legal agreement by means of a deed of variation to remove any affordable housing provision. This would reduce the proportion of affordable housing to market housing from 39% to 0%.

## **3.0 Background to the Application and Site History**

- 3.1 There is a substantial planning history for the development of this site for 18 dwellings, including significant consideration of viable affordable housing provision. The following section sets out the consideration of viable affordable housing provision at each stage.

3.2 Planning History

Application Number	Proposal	Decision
14/01052/FUL	Erection of 18 dwellings with associated access and parking	Withdrawn
15/00537/FUL	Erection of 18 dwellings with associated access and parking	Permitted subject to S106 dated 10 August 2015
15/01355/VLA	Variation of legal agreement attached to planning permission 15/00537/FUL to amend affordable housing provision	Refused
16/01608/VCN	Erection of 18 dwellings with associated access and parking (pursuant to the variation of conditions 2, 7 and 8 to allow changes to elevation and roof details, and material type and colour)	Permitted
17/00276/VCN	Erection of 18 dwellings with associated access and parking (pursuant to the variation of condition 13 on planning permission 16/01608/VCN to revise the surface water drainage details)	Permitted
17/00306/PRETWO	Residential development (removal of affordable housing provision)	Under consideration

3.3 Consideration of affordable housing provision and viability in planning application 14/01052/FUL

3.3.1 In 2014 an application was submitted (14/01052/FUL) which sought to deliver 18 dwellings without provision of any affordable housing. An affordable housing statement was submitted which sought to demonstrate why the delivery of affordable housing at this site was not viable. Accompanying this statement was a Development Viability Costs Report.

3.3.2 Assessment of this information within the Committee report concluded that “...the Council has looked carefully through the applicant’s financial appraisal and identified a number of figures that are either too high (build costs) or too low (house prices). Changes to these figures dramatically change the scheme’s viability. The Council has asked the applicant to provide more realistic costs.... Whilst this is outstanding at the time of writing, from the above analysis alone it is clear to the Council that this site can easily accommodate 40% affordable housing on site. The application is only acceptable if the applicant offers 40% provision of affordable housing on site. As this equates to 7.2 units, it would actually be 39%. Of the 7 units, 4 should be offered for social rent and the remaining 3 for intermediate housing”.

3.3.3 On the basis of the viability of the scheme including the delivery of affordable housing, recommendation was made to Committee to approve the scheme for 18 houses at this site subject to the signing and completing of a legal agreement to include: 39% affordable housing provision (4 social rented and 3 intermediate housing), and other conditions. Members approved the application on this basis.

3.3.4 This determination was on the basis that the scheme was only acceptable where it delivered the required affordable housing. The application was then subsequently withdrawn post-Committee as a result of a failure of a S106 agreement to be entered into within the determination period. The Council advised that any resubmission should be made with a draft legal agreement for the provision of the affordable housing requirement at the site.

3.4 Consideration of affordable housing provision and viability in planning application 15/00537/FUL

3.4.1 A further application 15/00537/FUL was submitted in 2015 and despite the previous requirement for the delivery of affordable housing, this proposal also omitted any provision. This application was accompanied by a Planning Statement which noted that consideration of the viability assessment, together with the results of an independent appraisal, is of critical importance in the consideration of affordable housing delivery at this site.

3.4.2 On behalf of Lancaster City Council, NPS Group carried out an independent Financial Viability Assessment Check, which concluded in April 2015 that the subject site is capable of viably supporting a residential development scheme featuring 7 affordable (4 intermediate tenure units and 3 social rented units) and 11 market units.

3.4.3 On this basis, given the lack of affordable housing delivery proposed in the scheme the 2015 application was recommended for refusal at the June 2015 committee on the following grounds:

*“The application as submitted fails to address planning policy with regard to the delivery of affordable housing. The financial information provided by the applicant has been independently assessed prior to the submission of this application and it was concluded that 39% (7 units) provision of affordable housing on site is viable. Despite the conclusion of this assessment the applicant is proposing a 100% open market housing scheme. This is contrary to Development Management policies DM41 and DM42, Core Strategy policy SC4 and National Planning Policy Framework paragraphs 17 and 50”.*

3.4.4 Prior to the Committee the agent advised that his client would accept the independent assessment and enter into a legal agreement to secure the 7 affordable units. The application was subsequently approved by Members on this basis. On the 10 August 2015 a S106 agreement was signed which secured the delivery of affordable housing and planning permission was granted concurrent to this on the same day. This agreement requires that 7 of the 18 units are delivered as affordable housing equating to 39%. Of these 7 3 units (numbers 8, 10 and 12) are to be social rent units and 4 units (4, 7, 11 and 13) to be intermediate tenure.

3.5 Consideration of affordable housing provision and viability in variation of legal agreement application 15/01355/VLA

3.5.1 In 2015 an application for Variation of Legal Agreement (VLA) was submitted, on behalf of the then developer KCS, to reduce the level of affordable housing provision to 5 shared ownership units (reference 15/01355/VLA). This was refused in January 2016. Within the Committee report however, it was accepted that given changes in the market since the application was approved the delivery of 6 affordable units could be accepted. One of the key differences between the approved application and the VLA, was the value expected on the affordable housing. Progress Homes submitted an offer to acquire the affordable housing, which was lower than the value previously expected.

3.6 Consideration of affordable housing provision and viability in pre-application advice 17/00306/PRETWO

3.6.1 Then in early 2017 a pre-application advice application was made (reference 17/00306/PRETWO) that sought to remove all requirements to deliver affordable homes. This was preceded in 2016 by a meeting with the prospective purchaser of the site (the now developer) where the Council reiterated the importance of delivering 40% affordable housing on this site, a site in a village not listed within policy DM42 (i.e. a departure from the Development Plan). The developer subsequently purchased the site and commenced works. As part of the consideration of this application the Council has sought advice from an independent planning viability agent (Lambert Smith Hampton). During the consideration of this pre-application request, the applicant chose to submit this current Variation of Legal Agreement application. The pre-application advice application and the variation of legal agreement application are being considered concurrent to each other. This application seeks to remove by Deed of Variation the required affordable housing provision.

**4.0 Consultation Responses**

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

Consultee	Response
<p><b>Planning &amp; Housing Policy Team</b></p>	<p>The Financial Viability Appraisal Review demonstrates that the delivery of 7 affordable units with an amendment 3 x two-bedroomed ‘Casterton’ units (affordable rent tenure) and 4 x three-bedroomed ‘Lupton’ units (shared ownership tenure) is viable and a minor variation to facilitate this would be acceptable.</p>

**5.0 Neighbour Representations**

5.1 10 objections have been received. In addition objection from both Ireby with Leck Parish Council and Burrow with Burrow Parish have also been received. The main reasons for opposition are:

- There is a current outstanding need for affordable housing in the area as a result of high houses prices;
- The 2015 permission was supported on the basis that there would be the benefit of the delivery of affordable homes;
- Previous rejection of 2015 VLA application showed affordable housing provision to be viable at the site and there has been limited change in the housing market since this decision;
- The developer should bear cost of delivery of sites on profit realised not at the expense of affordable housing; and
- No evidence has been submitted to demonstrate any lack of demand for affordable housing.

**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 National Planning Practice Guidance (NPPG) states that '*in making decisions, the Local Planning Authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations*'. In the circumstances, it is contended that it would be unreasonable of the Local Planning Authority to not voluntarily renegotiate the terms of the agreement in accordance with s106A (1) of the Act if the amendments are justified.
- 7.4 The applicant's proposed changes to the terms of the legal agreement are significant. National planning policy seeks to significantly boost the supply of housing and notes that housing applications should be considered in the context of the presumption in favour of sustainable development. This is particularly notable in cases where Councils cannot demonstrate a 5 year housing land supply. However, national planning policy also requires Local Planning Authorities to plan for a mix of housing to appropriately meet local needs and demands, including affordable housing. This policy approach is echoed in the Development Plan, where Policy DM41 requires proposals for more than 10 dwellings in the rural areas to provide 30% affordable housing on site and up to 40% on greenfield sites. Local planning policy (DM41 and the supporting SPD: Meeting Housing Needs) does, however, recognise that the scale of planning obligations, in particular affordable housing, can in certain circumstances have a potentially negative impact on development viability.
- 7.5 This application was submitted with a Financial Viability Appraisal (FVA) carried out in March 2017. The FVA includes land costs, estimated gross development value (as advised by the developer, Applethwaite), and development costs (reviewed by a separate company instructed by the developer) and a developer rate of return on the gross development value. The key focus of the FVA is that abnormal development costs have affected the viability of the scheme such that the percentage profit on the gross development value is below the minimum reasonable competitive return. The removal of the affordable housing provision is requested to enable the scheme to achieve a target competitive return. To facilitate assessment of the FVA Lambert Smith Hampton were appointed by Lancaster City Council to advise Officers (at a cost to the developer).
- 7.6 Following assessment of the submitted FVA by Officers and by Lambert Smith Hampton the applicant was asked to respond to a number of questions and provide the full development cost review. Following further detailed assessment and analysis Lambert Smith Hampton produced the Financial Viability Assessment Review (FVAR). The FVAR interrogates the land costs, gross development value, development costs and rate of return. The FVAR identifies areas of agreement and acceptance of figures, and also identifies a number of areas of challenge. In these areas of challenge alternative assumptions have been included into the assessment. The outcomes of this assessment are summarised below.
- 7.7 The FVAR using an agreed set of assumptions has demonstrated that the 100% market housing scenario would realise a percentage developer profit which greatly exceeds the rate of return normally accepted by Lancaster City Council. On this basis the delivery of 0% affordable housing at this site would not be supported. However, further scenario analysis has demonstrated that the permission as approved and set out within the S106 dated 10 August 2015 is not capable of viably delivering 7 affordable housing units within an expected rate of developer return. On this basis



Officers have considered alternative scenarios that would allow for the requirement of 7 affordable homes to be to be maintained with a varied model of delivery.

- 7.8 The optimum scenario to allow for the delivery of 7 affordable homes is to change from social rent to affordable rent. Affordable rent units command a higher rate of transfer to the Registered Providers than social rent units and so can increase the gross development value of the scheme. In addition, an amendment to the allocation of the units on site is required so that the shared ownership tenure is allocated to the larger units, which are of higher market value, and the affordable rent being allocated to the smaller units. This allows for a greater rate of return on the higher value properties increasing the viability of the scheme. On this basis it is recommended that a Deed of Variation be entered into to allow for 7 affordable housing units to be delivered at the site. This would allow the development to be in accordance with local policy requirements for affordable housing delivery whilst also ensuring that the developer can make a reasonable rate of return that allows the development as a whole to be completed.

### **8.0 Planning Obligations**

- 8.1 It is proposed that a Deed of Variation be made to the 10 August 2015 Section 106 Agreement to alter the rental tenure model from social rent to affordable rent, and to amend the tenure allocation of proposed units to 3 x two-bedroomed 'Casterton' units (affordable rent tenure) and 4 x three-bedroomed 'Lupton' units (shared ownership tenure). This will enable the scheme to return a higher gross development value and therefore make the delivery of the agreed 39% affordable homes at this site viable.

### **9.0 Conclusions**

- 9.1 The existing legal agreement associated with planning permission 15/00537/FUL is proven to be not viable. On the basis of the review and testing carried out by an independent consultant on behalf of the Local Planning Authority it is recommended that minor revisions by a Deed of Variation are made to the legal agreement to allow for the rental tenure model to be changed from social rent to affordable rent, and to amend the tenure allocation of proposed units to 3 x two-bedroomed 'Casterton' units (affordable rent tenure) and 4 x three-bedroomed 'Lupton' units (shared ownership tenure). This will enable the scheme to return a higher gross development value and therefore make the delivery of the agreed 39% affordable homes at this site viable.

### **Recommendation**

That a Deed of Variation be **approved** on the following basis:

- (i) A Deed of Variation to make provision to alter the rental tenure model from social rent to affordable rent, and to amend the tenure allocation of proposed units to 3 x two-bedroomed 'Casterton' units (affordable rent tenure) and 4 x three-bedroomed 'Lupton' units (shared ownership tenure)

### **Background Papers**

None.

<p><b>Agenda Item</b></p> <p>A9</p>	<p><b>Committee Date</b></p> <p>21 August 2017</p>	<p><b>Application Number</b></p> <p>17/00488/FUL</p>
<p><b>Application Site</b></p> <p>7 Ashmeadow Grove Nether Kellet Carnforth Lancashire</p>		<p><b>Proposal</b></p> <p>Demolition of existing garage, erection of a replacement single storey garage, construction of a dormer extension to the northwest elevation and installation of first floor window and Juliet balcony to side elevation.</p>
<p><b>Name of Applicant</b></p> <p>Mr Darren Moore</p>		<p><b>Name of Agent</b></p>
<p><b>Decision Target Date</b></p> <p>4 July 2017</p>		<p><b>Reason For Delay</b></p> <p>Negotiating amendments and request for application to be reported to Committee</p>
<p><b>Case Officer</b></p>		<p>Mrs Eleanor Fawcett</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Split decision – Approval of garage and Refusal of dormer extension.</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 Roger Mace for the application to be reported to the Planning Committee on the basis that the dormer is appropriate for the development of the applicant's home taking into account its surroundings given the presence of a similar styled dormer on the adjacent property.

**1.0 The Site and its Surroundings**

- 1.1 The site relates to a bungalow located on a cul-de-sac of similar properties within Nether Kellet. The building fronts onto Ashmeadow Grove, with the north east side elevation facing Ashmeadow Road and the rear wall facing Main Road. There is a relatively small detached garage between the side wall and Ashmeadow Road and a garden to the rear. A wall and hedge, around 1.8 metres in height in total, forms most of the side and rear boundaries with the highway. The bungalow is set at a higher level than Main Road.
- 1.2 The property is located within the Nether Kellet Conservation Area and is also situated opposite a grade II listed house with a date stone of 1719. The site is also within the Countryside Area, as identified on the Local Plan Proposals Map.

**2.0 The Proposal**

- 2.1 Planning permission is sought for the erection of a detached garage to the side of the dwelling, to replace the existing garage, and the construction of a dormer window to the northwest elevation facing Main Road. Following amendments, the garage would measure 4.6 metres by 6.8 metres and have a maximum height of 2.6 metres to the eaves and 3.8 metres to the ridge, given changes in levels across the site. The proposed dormer extension would be 7.4 metres long and 2.1 metres high and finished in brown wood effect cladding with a flat roof. A door and Juliet balcony are also

proposed at first floor in the centre of the side elevation.

**3.0 Site History**

3.1 There is no relevant site history.

**4.0 Consultation Responses**

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

Consultee	Response
<b>Parish Council</b>	<b>No objections.</b>
<b>Conservation</b>	<b>Object to the dormer extension</b> - cannot support further negative changes as this would contradict the legislative protection on the area. This part of the proposal would harm the significance of the Conservation Area. <b>No objections to the garage</b> , which will be larger than the existing but will be similar in appearance and materials to the existing house, which will not detract from the character of the area and will be screened by a hedge.
<b>Tree Protection Officer</b>	<b>No objections</b> to the scheme for new hedge planting subject to a condition requiring implementation and maintenance.

**5.0 Neighbour Representations**

5.1 No comments received.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs **7, 14 and 17** – Sustainable development and core principles

Paragraphs **56, 58 and 60** – Requiring good design

Paragraphs **131 – 134, 137 and 141** – 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

**SC5** – Achieving quality in design

### 6.4 Development Management Development Plan Document

**DM31** – Development affecting Conservation Areas

**DM32** – The setting of designated heritage assets

**DM35** – Key design principles

### 6.6 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## 7.0 Comment and Analysis

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

- Scale, design and impact on heritage assets
- Impact on residential amenity

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

7.2.1 The property is a modern bungalow situated on the main road in Nether Kellet's Conservation Area, which was designated in 1981 for its retention of the medieval plan form and traditionally constructed buildings dating from the late-17<sup>th</sup>-19th century. It is also situated opposite a Grade II listed house with a datestone of 1719. The immediate setting of the listed building is provided by a front forecourt enclosed by a low stone boundary wall, a barn to the right and congregational school to the left.

7.2.2 The existing garage to the side of the dwelling is proposed to be replaced with a larger and higher structure. Whilst the appearance of the existing garage is relatively poor, having a corrugated metal roof, it is small in scale and mostly screened by the existing hedgerow, particularly from Main Road. The significant increase in footprint of the proposed garage will make the structure much more visible from both Ashmeadow Road and Main Street. There were concerns that this would appear overly prominent within the street scene and have an adverse impact on the character and appearance of the Conservation Area.

7.2.3 Given the concerns, it was advised that the footprint and height were reduced, with the side wall moved in from the boundary and the hedgerow retained. Given the higher position of the site from Main Road, it was also suggested that the ground level be lowered. The width has been reduced from 5.4m to 4.6m and the maximum height from 4.2 to 3.9m. The garage will now also be set in 1 metre from the boundary wall. It is considered that the height could have been reduced further, whilst still keeping an appropriate pitch, and this was set out on a plan to the applicant. However, subject to the retention of appropriate screening, it is considered that the proposal will not have a detrimental impact to the character and appearance of the area. The materials are proposed to be render and stone for the walls and concrete tiles for the roof to match the house. It is unlikely that an exact replica of the roof tile will be available and as such it is appropriate that a sample of this and the other materials is provided to ensure that they are acceptable. Whilst brown UPVC windows and guttering are not desirable in a Conservation Area, they will match the existing dwelling.

7.2.4 In terms of the hedgerow to the side of the garage, this was originally proposed to be removed and then was shown to be retained following the reduction in width of the garage. However, there were concerns that this could be damaged during the works and evidence was requested to show that this would not be the case. In response, it was advised that it was the intention to remove the part of the

hedgerow to the side of the garage as it was in a poor condition. Whilst this will open up the site and views of the garage for some time, it will provide the opportunity for an improvement to the boundary treatment and screening in the long term. Whilst some details have been provided in relation to the species (Western Red Cedar), it would also be useful to have a plan showing all the landscaping details including the remainder of the boundary hedge to be retained, as this is equally important in terms of screening. A landscaping scheme can be conditioned, however, details will be requested before the Committee Meeting.

- 7.2.5 A dormer window is also proposed to the rear roof slope of the bungalow, facing the main road through Nether Kellet. This is proposed to be a long structure of a flat roofed construction finished in timber effect cladding. There are significant concerns regarding the insertion of such a feature in this highly prominent, elevated location facing the main road of the Conservation Area and on a corner plot. Generally, the insertion of dormers in Conservation Areas is not usually supported as this can negatively impact the rhythm and visual appearance of the roofscape. Whilst the building is a modern construction it echoes some of the surrounding traditional style as it has a pitched roof and is situated in a prominent position within the Conservation Area. In addition, the proposed wood effect cladding does not respect the surrounding built form and is considered to be inappropriate.
- 7.2.6 There are a few properties in the vicinity of the site which have flat roofed dormers that are visible from the main road. The adjoining property has dormers on both the front and rear elevations. From a search of the planning history, the front dormer (facing Ashmeadow Grove) was granted consent in 1981 and a condition was added to ensure that this was faced in tiles to match the dwelling. On the file for this application, it sets out that there was an existing dormer on the elevation facing Main Road. There are also dormers on the rear of one other bungalow facing Main Road and one facing Ashmeadow Road. Neither of these benefit from planning consent, however it is likely that they were constructed under permitted development as most of these types of construction fell outside planning control, even within Conservation Areas, until a separate section was introduced within the 1988 General Development Order.
- 7.2.7 Currently the existing dormer windows are a negative but intermittent feature within this part of the Conservation Area. The addition of this dormer extension would make this feature more dominant to the detriment of the character and appearance of the Conservation Area. Whilst there are a limited number of bungalows in this area, if granted it would be difficult to resist other such additions on the road facing elevations of the other dwellings, which would be likely to have a significant incremental adverse impact on the Conservation Area and its setting. Alternatives have been considered to the design of the dormer, including two small pitched roof structures or smaller flat roofed metal clad dormers. In both instances, it is considered that these are more likely to draw attention to the flat roofed dormer on the adjoining dwelling and the latter is not in keeping with the style and appearance of the bungalow and would likely be more appropriate on a larger building. The alternatives are considered to result in a proposal which would not preserve or enhance the character or appearance of the Conservation Area. It is possible that a dormer window would be acceptable on the elevation facing Ashmeadow Grove as it would not be visible from Main Road, although still within the Conservation Area. This would be subject to scale and design but the applicant has been asked to consider this as an alternative.
- 7.2.8 Under Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, there is a duty to preserve or enhance the character or appearance of a Conservation Area. Therefore, the further negative changes cannot be supported as this would contradict the legislative protection on the area as the proposal will harm the significance of the Conservation Area. It would also be contrary to policy DM31 of the Development Management DPD. It is considered that this harm would be less than substantial but it is considered there are no public benefits which outweigh this harm, in accordance with the test set out in the NPPF.
- 7.2.9 A glazed door and Juliet balcony are proposed in the side wall at first floor. The door will match those in the bungalow and the balustrade is proposed to be metal. Given this, the alterations are considered to be in keeping with the building and the Conservation Area.

### 7.3 Impact on residential amenity

- 7.3.1 The proposed garage would be sited close to the side boundary and not in close proximity to residential properties. Given this and its scale, it is considered that this would not have a detrimental impact on the amenities of nearby occupiers. The window in the side wall would face towards two

bungalows, 2 and 4 Ashmeadow Road and be separated by approximately 20m. Given this, and that the application property is at a lower level than these two dwellings, it is not considered that there would be a significant loss of privacy. In terms of the dormer, this would be approximately 20m from the boundary with the property opposite and a further 13m from the front wall of the dwelling. It would also be around 21m from the Old Congregational School, but would not directly face this. As such it is considered that the proposal would not result in an unacceptable level of overlooking to the detriment of the amenities of the occupiers of these properties.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 Whilst it is considered that the replacement garage and insertion of the new door and Juliet balcony are acceptable, in terms of their scale and design, the proposed dormer window would fail to preserve or enhance the special qualities of the Conservation Area given its scale, design and position on a prominent roof slope facing the main road through Nether Kellet. As such, this element of the proposal is considered to be unacceptable as it would cause harm to the character and appearance of the Conservation Area, contrary to Policy DM31 of the Development Management DPD and Section 12 of the NPPF.

### **Recommendation**

That a **split decision** is reached.

In the first instance, planning permission for the construction of the dormer extension to the northwest elevation **BE REFUSED** for the following reason:

1. As a result of the scale, design and prominent position of the dormer window, the proposal would fail to preserve or enhance the special character or appearance of the conservation area and would have a detrimental impact on this and the existing building. The scheme therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 12, and Policies DM31 and DM35 of the Development Management Development Plan Document.

In the second instance, planning permission for the demolition of the existing garage, erection of the replacement single storey garage and the installation of the first floor window and Juliet balcony to side elevation **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. In accordance with amended plans
3. Details/ samples of materials including: roof tile, stone, colour and finish of render and finish to balustrade
4. Landscaping scheme including replacement hedgerow planting and details of hedge/trees to be retained.
5. Restriction of the use of the garage – no trade or business

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

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 has provided access, via its website, to detailed standing advice for householder development in the Lancaster District (the Householder Design Guide), in an attempt to positively influence development proposals. Regrettably, elements of the proposal fail to adhere to this document, and the policies of the Development Plan, for the reasons prescribed in this report. The applicant is encouraged to consult the Householder Design Guide prior to the submission of any future planning application.

### **Background Papers**

None

<b>Agenda Item</b> A10	<b>Committee Date</b> 21 August 2017	<b>Application Number</b> 17/00899/VLA
<b>Application Site</b> Far Lodge Postern Gate Road Quernmore Lancaster	<b>Proposal</b> Variation of legal agreement attached to planning permission 99/00304/CU to remove holiday let restrictions on cottages	
<b>Name of Applicant</b> Mr D Gardner	<b>Name of Agent</b> Mr D Ratcliffe	
<b>Decision Target Date</b> 13 September 2017	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee on the basis that the proposal supports a rural enterprise and the local school.

**1.0 The Site and its Surroundings**

- 1.1 The application relates to two holiday cottages located within a farm complex in the parish of Quernmore, approximately 4 kilometres from the eastern edge of Lancaster. The units are within a former barn constructed of stone with a slate roof. The building abuts the access track and yard and has a small patio and garden area to the rear and a gravel parking area to the north. There are two residential properties within the farm group, one of which is Grade II Listed and is located to the east of the site. To the south are a number of mostly modern farm buildings and associated yard areas, and to the north east is an industrial building which has consent as a water bottling plant.
- 1.2 The properties are accessed by a track to the north, off Postern Gate Road. There is also an access off Wyresdale Road to the south. 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.

**2.0 The Proposal**

- 2.1 This application seeks to discharge the legal agreement attached to planning application 99/00304/CU for the conversion of the barn to two holiday cottages. The agreement contains several stipulations to ensure that the units are occupied as short term holiday accommodation and do not become permanent dwellings and also links them to the farm business. The removal of the obligation would allow the units to be sold separately as unrestricted dwellings.

**3.0 Site History**

- 3.1 Similar proposals to the current one, to allow unrestricted occupation of the two units, have been refused in both 2015 and 2016 for the following reasons:

1. *The site is located within the open countryside, divorced from any 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, which would result from the discharge of the planning obligation. 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. *Given the close proximity of the application site to an existing farm operation, the proposal fails to provide an acceptable level of amenity for the future occupiers of the dwellings. The proposal is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular the Core Planning Principles and Section 7, and Policy DM35 of the Development Management Development Plan Document.*
3. *As a result of the topography of the land, and the likely increase in domestic paraphernalia from a permanent residential use of the two dwellings, the proposal will have a detrimental impact on the rural character of the area and the Forest of Bowland AONB. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 11, Saved policies E3 and E4 of the Lancaster District Local Plan, Policy SC5 of Lancaster District Core Strategy and Policies DM28, DM35 and DM42 of the Development Management Development Plan Document.*

3.2 The relevant site history is set out below:

Application Number	Proposal	Decision
16/00059/VLA	Variation of the Section 106 Agreement attached to application no. 99/00304/CU to allow the cottages to be used as permanent residential units	Refused
14/01339/FUL	Change of use of two holiday cottages to unrestricted residential occupancy	Refused
06/01503/FUL	Retrospective application for the retention of an extension to previously approved water bottling plant	Approved
05/00651/FUL	Erection of a water bottling plant	Approved
99/00304/CU	Change of use and conversion of barn to form two holiday cottages	Approved

#### **4.0 Consultation Responses**

4.1 Given the nature of the application, no consultations were required.

#### **5.0 Neighbour Representations**

5.1 The site notice expires on 11 August 2017. Any comments will be reported verbally.

#### **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 131 – 134 – 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)

DM8 – The re-use and Conversion of Rural Buildings  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM28 – Development and Landscape Impact  
DM32 – The Setting of Designated Heritage Assets  
DM35 – Key Design Principles  
DM41 – New Residential Development  
DM42 - Managing Rural Housing Growth

## **7.0 Comment and Analysis**

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

- Principle of the development
- Residential amenity
- Design and landscape impact
- Highway impacts
- Listed Building impacts

### 7.2 Principle of the development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in

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

- 7.2.2 The application site is located in the open countryside, divorced from any of the villages identified in policy DM42. There are very few services close to the site and it is likely that someone living in this location would be significantly reliant on private transport. The submission sets out that the properties are nearer to the school and church than any other property within the village and that it is likely that the future occupants would have children wishing to attend the Primary School. Whilst they are three bedroom units, there is no guarantee that future occupiers would include primary school aged children. Although there may be access to this school on foot and some other schools via a school bus service, all other facilities would need to be accessed via private vehicles. As such, the site is considered to be within an unsustainable location where new residential development would not usually be supported.
- 7.2.3 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 properties were converted from a barn to form holiday accommodation to support the farm business and are still used as such. Taking into account paragraph 55 of the NPPF, the building cannot be considered to be redundant and would not result in an enhancement to the immediate setting. If anything it would increase the amount of domestic paraphernalia and vehicles associated with the building at present.
- 7.2.4 Information has been submitted to support the discharge of the legal agreement. The main reason for the removal of the restrictions on the occupancy of the units is due to the financial situation of the farming enterprise. The submission sets out that in 2006 a water bottling enterprise was established as a further farm diversification enterprise. This has now gone into Voluntary Administration and is currently in the hands of an appointed Accountancy firm. As a result of the failed diversification project there are significant debts that the Bank are requesting to be repaid or, at the very least, a plan of how they will be repaid in the imminent future. The submission sets out that this will require the sale of assets so that the core family farm can keep trading. It goes on to say that selling land would not be an option as it would make the dairy farm unworkable and no other sector in farming would be able to cover the longer-term debts that the dairy farm carries. However, the sales particulars for the water bottling company set out that there is land adjacent for sale by separate negotiation. The submission goes on to say that the building where the water bottling company was based is going to go on the market, but the funds hopefully realised would still fall a long way short of what is required to pay the debt back to the bank. It appears that the building has already been on the market and has now been removed, possibly pending a sale.
- 7.2.5 The submission sets out that the only assets that are left for the applicant to sell are the holiday cottages. To gain maximum value from this asset, the restrictions would need to be removed to realise a greater value, so they can be sold immediately to repay the debt to the bank. The submission also states that over the past five years the income from the two holiday cottages has fallen, with the occupancy rates dropping from 80% to 48%. It sets out that this is a result of more holiday cottages being available within the immediate area, and visitors favouring other destinations in the north-west (e.g. the Lake District). Additionally, the farm has not had the funds to upgrade the holiday-let accommodation since the cottages were converted. The cottages are serviceable, but visitors are now expecting an increasingly higher standard of accommodation. The drop in income and occupancy prevents the holiday cottages from being in a position to service any debt that will remain following the eventual sale of the water bottling building. However, the online reviews of the accommodation appear quite positive and there are many recent ones. The report concludes that given the financial situation of the family farming business, the survival of the farm requires the cottages to be sold and in order to realise sufficient capital the cottages need to have the holiday restrictions lifted (i.e. the Section 106 agreement removed). Therefore, it has been argued that the legal agreement no longer continues to serve a useful planning purpose.

7.2.6 There has been a recent appeal decision for a similar proposal at Old Waterslack Farm near Silverdale. This was dismissed as the legal agreement was still considered to serve a useful planning purpose, as to allow open market dwellings would not represent sustainable development. This has been referred to in the covering letter to this application, setting out that in arriving at the conclusion to dismiss the appeal it was set out that no evidence had been provided to support the claim that there is limited demand for holiday lets or to show that despite reasonable marketing of the units, occupancy levels were such that the lawful use was unviable. The agent has set out that this information has been submitted with the current application and should the use cease the buildings would by definition become redundant or disused. However, there is no substantive evidence with the application to show that the level of occupancy has dropped or that this has taken place because of a lack of demand in this area. The reason that this was considered by the Inspector was to ascertain whether the buildings were redundant or disused and it is clear with the current proposal that this is not the case. If they are not being maintained to an appropriate standard, as implied in the submission, this does not mean that there is no demand and does not make them disused. In addition, the sale of the properties will provide a one off sum of money but would not support the farm in the long term and may even put constraints on how this operates, including any expansion, because of the very close proximity of what would be two independent residential units to the farm complex. It also does not provide any certainty that the dairy farm business will remain.

7.2.7 Whilst there is sympathy for the applicant's situation, the personal circumstances can only be afforded limited weight. It may be reasonable to remove the restriction linking the holiday units to the farming enterprise, to allow them to be sold off separately, as this is unlikely to result in any additional harm from the current situation. However, the removal of the other restrictions would result in two new dwellings in the open countryside. Although the building currently has a holiday accommodation use, this is less intensive and it is accepted that this type of accommodation is often located in less sustainable locations. In any case, the current use is acceptable in terms of policy. However, the proposal will result in two new dwellings in an isolated rural location, divorced from most services with occupiers significantly reliant on private transport. As such the removal of the planning obligation would result in an unsustainable form of development and is therefore contrary to local and national policy as set out above. Therefore, it is considered that, the legal agreement continues to serve a useful planning purpose. It should also be noted that there have been two other appeals within the District for the removal of holiday occupation restrictions that have also been dismissed, primarily for reasons of sustainability. Therefore it would be inconsistent to take a different view with regards to this proposal.

### 7.3 Residential amenity

7.3.1 The internal accommodation is appropriate in terms of size, although some of the bedrooms are only served by single roof lights at around 1.6 metres above floor level. Although this is not ideal it is not considered to be a sufficient reason for refusal although it could lead to more pressure for openings in the walls and roof to the detriment of the character of the building. The building does, however, have a very close relationship to an existing farm operation and buildings and abuts the farm access track. It has been set out in a previous application that, in respect of farm traffic, there is very little activity adjacent the cottages and all the farm traffic is contained within the farmyard and access to the farmland is not past the cottages. The only regular traffic adjacent to the cottage is the milk tanker. There are two access tracks serving the farm. However, there is no control over which access the farm vehicles use or anything to prevent them passing the cottages. There are also likely to be large vehicles from the water bottling building, either as part of its existing use or a future similar use which would not have been an issue when originally granted given the association of the existing domestic properties with the farm complex.

7.3.2 Irrespective of the access used for the farm vehicles, the units are also in very close proximity to the farming operation, with the southern property and garden abutting a track used by farm vehicles adjacent to an agricultural building. It is therefore likely that the amenities of the future occupiers would be significantly impacted by the farm operation as a result of vehicle movements and operations at unsociable hours and associated noise and smells. As such, the two independent dwellings are considered to be inappropriate in this location given the relationship with the farm. The submission sets out that over the past 15 years they have never received any complaints from guests who have stayed at the cottages relating to the proximity of the farm or the farming operations. However, it is unlikely that people staying in the accommodation would complain as they would only be there for a short period and the property is clearly advertised as being on a working

farm.

## 7.4 Design and landscape impact

7.4.1 The previous application on the site, for the change of use to two dwellings, included a larger area to be used as domestic curtilage than that currently used in association with the holiday units. The holiday units currently have a small patio to the rear with one of the units having a small garden beyond this. Looking at the original consent, the block plan seems to show the land to the rear of the patio as field, however, the red edged location plan, and that within the legal agreement, covers a much larger area. The land slopes significantly downwards away from the building and extends to the north, adjacent to the access track. It is bounded by a hedge to the west and post and rail fence to the north. Given that there is some doubt over what land could be used as domestic curtilage, there are significant concerns in relation to the impact of this as a result of the occupancy restriction being removed. The use as permanent residential dwellings is likely to result in an increase in domestic paraphernalia and pressure to use this land as formal curtilage and potential for the erection of new buildings. Given the openness of the land, and its extent, it is considered that the proposal would have a detrimental impact on the rural character of the area which is within the Forest of Bowland AONB.

## 7.5 Highway Impacts

7.5.1 County Highways raised no objections to the previous application proposal. There is sufficient parking and turning space to the side of the building to serve the two dwellings. The Highway Officer previously set out that the access arrangements and in particular uses of an un-made point of access from Postern Gate Road are currently unsuitable for the applicant's purposes. An increased frequency of use and intensification of vehicle movements through the junction combined with the likelihood of loose materials tracking out from the track onto the adjacent public highway will be detrimental to other highway users. As such, a condition was previously requested to ensure that an appropriate metaled surface is laid extending 5 metres back from the highway.

## 7.6 Listed Building Impacts

7.6.1 Although the level of use is likely to increase, this is unlikely to have a detrimental impact on the setting of the adjacent Listed building, which is located on the opposite side of the track.

## **8.0 Planning Obligations**

8.1 The application seeks to discharge the existing planning obligation restricting the occupancy to holiday use and the farm operation.

## **9.0 Conclusions**

9.1 The removal of the holiday restrictions on the properties would result in two unrestricted dwellings in open countryside which is not considered to represent sustainable development. The building is not redundant or disused and the proposal would not result in an enhancement to the setting. 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 extremely close proximity of the 2 dwellings to the existing farm operation would be detrimental to the future occupiers of the dwellings and there is also potential harm to the character and appearance of the landscape as a result of increased domestic paraphernalia.

9.2 The Council cannot currently demonstrate a five year supply of deliverable housing sites. As such, in line with paragraph 49 of the NPPF, Policy DM42 may be considered not to be up to date. Paragraph 14 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. The proposal would provide some initial money to potentially help support the farm enterprise but the ongoing income from the holiday accommodation would be lost. There may also be implications on

the future operation and expansion of the farming enterprise given the close proximity of two unrelated residential properties. The building is in use as holiday accommodation and therefore there would be no environmental benefits in the short term. There would likely be harm caused to the character and appearance of the AONB from a potential increase in domestic paraphernalia and buildings from the change to a permanent residential use. This may also lead to pressure for additional openings in the building which could harm its traditional character and appearance as a former barn. The proposal would provide two additional dwellings and contribute to the range of housing available in the local area, however, occupants would be significantly reliant on private transport to reach services, with the exception of the primary school and church, and the amenities of the occupiers would be adversely impacted by the proximity to the farm operation. Therefore it is considered that the adverse impacts in terms of a new isolated dwelling in the open countryside, impacts on the amenity of future occupiers and the potential detrimental impact on the character and appearance of the AONB would significantly and demonstrably outweigh the very limited benefits when assessed against the policies in the NPPF taken as a whole. Therefore the proposal is not acceptable in light of the presumption in favour of sustainable development and it is therefore considered that the legal agreement continues to serve a useful planning purpose and hence should not be discharged.

### **Recommendation**

That the legal agreement attached to planning permission 99/00304/CU remains unvaried as it still serves a useful purpose, and the application **BE REFUSED** for the following reasons:

1. The site is located within the open countryside, divorced from most key services and facilities 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, which would result from the discharge of the planning obligation. 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 the Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. Given the close proximity of the application site to an existing farm operation, the proposal fails to provide an acceptable level of amenity for the future occupiers of the dwellings. The proposal is therefore contrary to the aims and objectives of the National planning Policy Framework, in particular the Core Planning Principles and Section 7, and Policy DM35 of the Development Management Development Plan Document.
3. As a result of the topography of the land, and the likely increase in domestic paraphernalia from a permanent residential use of the two dwellings, the proposal will have a detrimental impact on the rural character of the area and the Forest of Bowland AONB. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 11, Saved policies E3 and E4 of the Lancaster District Local Plan, Policy SC5 of Lancaster District Core Strategy and Policies DM28, DM35 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 this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

### **Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A11</p>	<p align="center"><b>Committee Date</b></p> <p align="center">21 August 2017</p>	<p align="center"><b>Application Number</b></p> <p align="center">17/00223/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">The Former Dance Inc. The Coach House Edward Street Lancaster Lancashire</p>		<p align="center"><b>Proposal</b></p> <p align="center">Relevant Demolition of 3 existing ancillary buildings and installation of security gates</p>
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mrs Sarah Price</p>		<p align="center"><b>Name of Agent</b></p> <p align="center">Design Group - Projects Team</p>
<p align="center"><b>Decision Target Date</b></p> <p align="center">7 July 2017</p>		<p align="center"><b>Reason For Delay</b></p> <p align="center">Amended plans/details requested and committee cycle</p>
<p><b>Case Officer</b></p>		<p>Mr Robert Clarke</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approval</p>

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

1.1 The Coach House is a late 19<sup>th</sup> century workshop, possibly for a furniture makers, which is situated in Lancaster's Conservation Area. The building was identified as having medium significance in the "Canal Corridor North: Assessment of Heritage Values & Significance" and is outlined as a positive building in the Conservation Area, though it is not Listed. The building features stone walling underneath a natural slate dual pitch roof. Three more recent ancillary structures, mostly of brick with metal sheet roofing, have been constructed within the constrained site.

1.2 The development site is located to the north of Lodge Street car park and immediately to the south of Upper St Leonards Gate car park. The Grand Theatre and Music Co-op lie to the west and access to the site is made from Edward Street to the east. Stone walls form the boundaries to the south and north of the site.

**2.0 The Proposal**

2.1 This application seeks consent for Relevant Demolition of the three ancillary structures from site, blocking up of resultant openings to The Coach House (which is to be retained), installation of security gates to the Edward Street entrance and repairs to the existing stone boundary walls, including the felling of a tree.

**3.0 Site History**

3.1 The Local Planning Authority has no planning history relating to this particular site.

#### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Conservation Officer</b>	<b>No Objection</b> – to the demolition of the ancillary structures though concerns were raised regarding the appearance of the proposed gates and with the mortar to be used to repair the boundary walls. Amended plans and details have been received which have resolved these concerns.
<b>Tree Protection Officer</b>	<b>No objection</b> – to the removal of the tree
<b>Canal and River Trust</b>	<b>No objection</b>
<b>Environmental Health</b>	<b>No objection</b>

#### **5.0 Neighbour Representations**

5.1 No comments received during the statutory consultation period.

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

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

- Paragraph 14 - Presumption in favour of sustainable development
- Paragraph 17 - 12 Core planning principles
- 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 Development Management DPD**

**DM29:** Protection of Trees, Hedgerows and Woodland

**DM31:** Development affecting Conservation Areas

**DM33:** Development affecting Non-Designated Heritage Assets of their Setting

**DM35:** Key Design Principles

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

7.1 The key considerations arising from the proposal are:

- Scale, design and impacts on the character of the Conservation Area; and,
- Impact upon biodiversity

### 7.2 Scale, design and impacts on the character of the Conservation Area

7.2.1 The Coach House, which was formally used as a dance studio, has been vacant for nine years and has been subject to multiple break-ins, arson attacks and is frequently occupied by the homeless and drug users. The property is no longer tenanted due to the uncertainty brought about by the proposed development under the Canal Corridor North scheme and there is now no power supply to the property, which is in a rapidly deteriorating condition.

7.2.2 The application site is situated between large open car parks. The surrounding terraced housing and workshops were demolished in the 1960s, which has negatively impacted the setting and the historic understanding of the building. This harm has been further exacerbated by the construction of the unsympathetic ancillary structures. The proposal to removal the modern extensions to the building, which have no heritage significance, is supported as it will better reveal the significance of the asset and provide a more coherent and better maintained appearance to the site.

7.2.3 The principle of erecting security gates to the Edward Street entrance is acceptable as it will serve to ensure the security of the site and building. It is also acknowledged that the development site lies within the area of the Canal Corridor North scheme, and therefore any structure may well be temporary in nature, though a regeneration scheme is yet to come forward. Given the degree of uncertainty regarding the regeneration scheme and how it may affect this site, the use of appropriately designed gates is imperative. The initial gates proposed were considered to have a harsh and hostile appearance that would have appeared inappropriate in a Conservation Area. An amended design was received, which is considered acceptable.

7.2.4 Repairs to the masonry boundary walls are acceptable. They will serve to ensure the structural integrity of these structures, which contribute towards the setting of the non-designated heritage asset. However, concerns were raised with the proposed mortar (Cement sand mortar 1:4) as cement mortar is too dense and traps moisture within the stone thus increasing erosion and long term damage to the stonework. The applicant has agreed to use a hydraulic lime (NHL 3.5) mortar which is more appropriate for the age and construction of these boundary walls.

### 7.3 Impact upon biodiversity

7.3.1 Due to the nature of this proposal, the deteriorating condition of The Coach House and its location approximately 100m from the Lancaster Canal, a bat survey has been carried out. The building inspection undertaken concluded that there were abundant access points to both The Coach House and the ancillary buildings proposed to be demolished. A night time bat survey was therefore carried out. No bats were seen entering/exiting the site during the activity survey. The illumination coming from the nearby car park lights dissuades bats from using the site. Given the location of the site within an urbanised environment and no significant foraging habitat nearby it was determined that the building contained little potential for use by bats.

7.3.2 As part of the preservation of the existing stone boundary walls it is proposed to fell a lime tree at the Edward Street entrance to the site. The tree is located 440mm away from the southern boundary wall and is causing structural issues due to its rooting. The Tree Protection Officer is satisfied that, due to the damaging effects that the subject tree is having upon the boundary wall, it can be removed to facilitate the repair and safe retention of the stone boundary wall. The loss of this tree is acceptable given the number of other trees which are located along the boundaries of the neighbouring car parks.



**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, this proposal does not adversely affect the character of this non-designated heritage asset and will act to enhance its setting. It is on this basis that Members are advised that this application can be supported, subject to a condition to ensure the works are carried out in accordance with the approved plans and agreed details.

**Recommendation**

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

1. Standard three year timescale
2. Works to be carried out in accordance with the approved plans
3. Works to be undertaken in accordance with agreed details
4. Works to be undertaken in accordance with the recommended bat mitigation measures

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

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

**Background Papers**

None

## Planning & Highways Regulatory Committee - Quarterly Reports

- (a) **Planning Application Determination Timescales**  
*The table provides performance figures for the determination of Major Applications, Minor Applications and Other Applications by Planning Officers in accordance with national timescales.*
  
- (b) **Number of Planning Applications and Related Cases**  
*The table lists the number of planning applications and other planning application-related cases that are received by the Development Management Service per quarter.*
  
- (c) **New Tree Preservation Orders Made**  
*The table lists the location of new Tree Preservation Orders (TPOs) made during the last quarter.*
  
- (d) **Number of Applications for Works to Trees**  
*The table lists the number of Tree Works applications received in respect of protected trees (protected by TPO or by Conservation Area status)*
  
- (e) **Planning Appeal Decisions**  
*The table lists the planning appeal decisions issued by the Planning Inspectorate during the last quarter.*
  
- (f) **Planning Enforcement Casework**  
*The table lists the planning enforcement case turnover by Planning Enforcement Officers during the last quarter.*
  
- (g) **Planning Enforcement Casework – Performance Standards**  
*The table lists the performance against planning enforcement standards stated in the Planning Enforcement Charter.*

(a) Planning Application Determination Timescales

Period	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
Jan - Mar 2016	100%	57%	76%	64%	83%	81%
Apr - Jun 2016	100%	73%	83%	51%	95%	84%
Jul - Sep 2016	100%	60%	88%	64%	96%	83%
Oct – Dec 2016	100%	67%	96%	68%	99%	83%
Jan - Mar 2017	90%	67%	99%	64%	99%	70%
Apr - Jun 2017	100%	94%	100%	63%	99%	83%
Jul - Sep 2017						
Oct – Dec 2017						

Year	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
2012 Average	47%	47%	55%	55%	66%	66%
2013 Average	63%	59%	65%	65%	82%	82%
2014 Average	88%	75%	59%	58%	69%	68%
2015 Average	95%	64%	46%	43%	64%	63%
2016 Average	100%	65%	86%	62%	93%	83%
2017 Average #	95%	80.5%	99.5%	63.5%	99%	76.5%

\* Total applications determined in time includes those where the applicant and the local planning authority have agreed an extension of time.

# Annual Average to Date Only

(b) Number of Planning Applications and Related Cases

	Jan-Mar 2016	Apr-Jun 2016	Jul-Sep 2016	Oct-Dec 2016	2016 TOTAL	Jan-Mar 2017	Apr-Jun 2017	Jul-Sep 2017	Oct-Dec 2017	2017 TOTAL
Major Applications	18	21	14	24	<b>77</b>	25	12			
Minor Applications	63	93	79	87	<b>322</b>	70	79			
Other Applications	188	194	189	171	<b>742</b>	184	207			
Discharge of Planning Condition Applications	59	65	44	43	<b>211</b>	50	56			
Non-Material Amendment Applications	14	16	12	18	<b>60</b>	12	11			
Variation of Legal Agreement/Condition Applications	5	2	2	5	<b>14</b>	3	3			
Prior Approval (Commercial/ Householder PA, Flexible Use etc) Applications	15	19 *	11	9	<b>54 *</b>	14	11			
<b>TOTAL NUMBER OF DECISION-MAKING APPLICATIONS</b>	<b>362</b>	<b>410 *</b>	<b>351</b>	<b>357</b>	<b>1480 *</b>	<b>358</b>	<b>379</b>			
<b>Pre-Application, Consultations and EIA Screening/Scoping Opinions</b>										
Environmental Screening and/or Scoping Opinions	5	8	2	6	<b>21</b>	8	2			
Infrastructure Planning Commission Consultations	0	0	0	0	<b>0</b>	0	0			
Pre/Post-Application Advice Submissions or Charged Meetings (inc. Specialist Heritage Advice)	54	35	33	36	<b>158</b>	31	40			

\* includes one Ecclesiastical Exemption application

(c) New Tree Preservation Orders Made

<b>Tree Preservation Order Number</b>	<b>Date Made</b>	<b>Location</b>	<b>Extent of Protection</b>
<b>600 (2017)</b>	06.04.17	Warton Grange Farm, Farleton Close, Warton	Woodland W1-W3 Replaces original TPO 551 (2015)
<b>601 (2017)</b>	07.04.17	7 Pemberton Drive, Morecambe	Tree T1 Replaces original TPO 564 (2015)
<b>602 (2017)</b>	12.04.17	Clay Pitts Wood and Sykes Moss Wood and Woodland Dennybeck, Halton and Grimeshaw Lane, Quernmore,	Woodland W1-W3 Replaces original TPO 568 (2016)
<b>603 (2017)</b>	26.04.17	Land at Mill Dam, off Monkswell Drive, BLS	Trees and Groups of Trees T1-T6 & G1- G6 Replaces original TPO 569 (2015)
<b>604 (2017)</b>	03.05.17	Castle View, Equestrian Centre, Borwick Road, Capernwray	Tree, Groups and Woodland T1, G1-G5 & W1
<b>605 (2017)</b>	11.05.17	1 Hazelbank, Halton	Tree T1 Replaces original TPO 570 (2015)
<b>606 (2017)</b>	12.05.17	Black Bull Cottage, St Michaels Lane, BLS	Tree T1
<b>607 (2017)</b>	16.05.17	The Coach House, Sunnyside Lane, Lancaster	Trees T1 & T2
<b>608 (2017)</b>	18.05.17	6 Hatlex Hill Slyne with Hest	Trees T1 & T2 Replaces original 563 (2015)
<b>609 (2017)</b>	19.05.17	Storey Institute, Meeting House Lane, Lancaster	Tree T1
<b>610 (2017)</b>	14.06.17	78, Regent Street, Lancaster	Tree T1
<b>611 (2017)</b>	16.06.17	Land to rear 63, Canterbury Avenue, Lancaster	Tree T1
<b>612 (2017)</b>	16.06.17	Vale of Lune RUFC, Powderhouse Lane, Lancaster	Woodland and Groups W1, T1, G1 & G2
<b>613 (2017)</b>	16.06.17	Burrow House, Burrow Height, Lancaster	Trees T1 & T2
<b>614 (2017)</b>	23.06.17	Entrance to Cricket Club, Barley Cop Lane, Lancaster	Tree T1
<b>615 (2017)</b>	23.06.17	Land opposite Ashton Barns, Ashton Hall Estate, Lancaster	Trees T1-T4

(d) Number of Applications for Works to Trees

	<b>Applications for Works to Trees Protected by Tree Preservation Orders</b>	<b>Applications for Works to Trees Protected by Conservation Area Status</b>
January-March 2016	15	21
April-June 2016	22	12
July-September 2016	23	22
October-December 2016	22	23
<b>TOTAL APPLICATIONS 2016</b>	<b>82</b>	<b>78</b>
January-March 2017	18	19
April-June 2017	21	25
July-September 2017		
October-December 2017		
<b>TOTAL APPLICATIONS 2017</b>	<b>39 to date</b>	<b>44 to date</b>

(e) Planning Appeal Decisions

<b>Application Number</b>	<b>Application Site</b>	<b>Proposal</b>	<b>Appeal Decision</b>
<b>16/01200/FUL</b>	32A Silverdale Road Yealand Redmayne	Erection of a first floor rear extension over the existing terrace and construction of a first floor rear balcony	Appeal Dismissed
<b>15/00710/FUL</b>	1 The Headlands Heysham	Construction of a balcony over existing single storey rear extension and replacement of existing first floor rear window with bi-fold doors	Appeal Allowed
<b>16/00821/PAA</b>	Cockshotts Barn Lodge Lane Wennington	Prior approval notification for the change of use of existing agricultural barn to a dwellinghouse (C3)	Appeal Dismissed
<b>16/01400/FUL</b>	51 Green Street Morecambe	Replacement of 15 wooden windows and 2 wooden doors with new uPVC doors and windows	Appeal Dismissed

(f) Planning Enforcement Casework – Volume and Breakdown of Cases

Period	Number of Current Live (Allocated) Enforcement Cases (at the time of compiling this table)								New Cases Received Within the Quarter	Closed Cases Within the Quarter
	Breach of Condition	Conflicts with Approved Plans	(Separate) Conservation Area Development	Unauthorised Adverts	Unauthorised Development	Unauthorised Use	Untidy Land (& Tipping)	Works Affecting a Listed Building		
Jan – Mar 2016 *	-	-	-	-	-	-	-	-		
April-June 2016 *	-	-	-	-	-	-	-	-		
Jul - Sep 2016 *	-	-	-	-	-	-	-	-		
Oct - Dec 2016	33	20	2	28	89	53	20	19	71	99
Jan - Mar 2017	32	19	2	31	92	62	24	43	113	75
Apr - Jun 2017	38	14	3	28	85	73	25	30	107	88
Jul - Sep 2017										
Oct - Dec 2017										

\* Data sets not compiled until October 1<sup>st</sup> 2016.



(g) Planning Enforcement Casework – Performance Standards

Period	Breaches Remedied Within 60 Working Days	% of Post-2017 Cases where Initial Investigations were concluded within Enforcement Charter Standards	% of Cases where Notice Compliance Site Visits Occurred Within 5 Working Days	Number of New Notices Issued by Enforcement Officers
Jan – Mar 2017	36%	80%	50%	3
April-June 2017	30%	64%	100%	9
Jul – Sep 2017				
Oct – Dec 2017				
<b>2017 AVERAGE/ TOTALS</b>				
Jan - Mar 2018				
Apr - Jun 2018				
Jul - Sep 2018				
Oct - Dec 2018				
<b>2018 AVERAGE/ TOTALS</b>				

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/01178/CU	18 Glentworth Road West, Morecambe, Lancashire Retrospective change of use from butchers (A1) and take-away (A5) to a cafe (A3) and take-away (A5) for Mr Lee Robinson (Westgate Ward 2015 Ward)	Application Permitted
17/00011/CU	North Barn, 8 Slyne Hall Heights, Slyne Change of use of agricultural land to domestic garden and retention of stable, store, summerhouse and landscaping for Slater And Gordon Solicitors (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00046/DIS	Lancaster Museum, Market Street, Lancaster Discharge of conditions 3, 4 and 5 on approved application 16/01249/LB for Ms Sarah Price (Castle Ward 2015 Ward)	Split Decision
17/00047/DIS	Butt Yeats, Station Road, Hornby Discharge of condition 3 on approved application 16/00902/FUL for Mr John Kelly (Upper Lune Valley Ward 2015 Ward)	Request Completed
17/00075/DIS	Hawthorn Bank, Cove Road, Silverdale Discharge of condition 6 on approved application 16/01082/FUL for Mr Richard Whittaker (Silverdale Ward 2015 Ward)	Request Completed
17/00077/DIS	Rear Of Pleasureland , Marine Road Central, Morecambe Discharge of condition 8 and 11 on previously approved application 16/00578/FUL for Mr Solomon Reader (Poulton Ward 2015 Ward)	Request Completed
17/00078/DIS	St Leonards House, St Leonards Gate, Lancaster Part discharge of condition 16 on approved application 16/01155/FUL for Mr Dan White (Bulk Ward 2015 Ward)	Initial Response Sent
17/00079/DIS	Galley Hall Farm, Crag Bank Lane, Carnforth Discharge of conditions 3, 4 and 7 on approved application 15/00079/FUL for Mr R Close (Carnforth And Millhead Ward 2015 Ward)	Initial Response Sent
17/00085/DIS	Galgate Ex Service And Working Mens Club, Chapel Street, Galgate Discharge of conditions 4, 5 and 10 on approved application 10/00157/FUL for Mr Warren Reibbitt (Ellel Ward 2015 Ward)	Initial Response Sent
17/00086/DIS	Sunderland Brows Farm, First Terrace, Sunderland Point Discharge of conditions 2, 3 and 5 on approved notification 16/00312/PAA for Mr David Hargreaves (Overton Ward 2015 Ward)	Request Completed
17/00087/DIS	47 - 51 North Road, Lancaster, Lancashire Discharge of condition 13F on approved application 13/01274/FUL for Mr Anas Mister (Bulk Ward 2015 Ward)	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

17/00091/DIS	5 Cable Street, Lancaster, Lancashire Discharge of conditions 3, 7, 8 and 9 on approved application 15/01369/LB for Lancaster Student Limited (Bulk Ward 2015 Ward)	Request Completed
17/00092/DIS	5 Cable Street, Lancaster, Lancashire Discharge of condition 10 on approved application 15/01368/FUL for Lancaster Student Limited (Bulk Ward 2015 Ward)	Request Completed
17/00093/DIS	Squires Snooker Club, Penny Street, Lancaster Discharge of conditions 9, 10, 11, 16, 18, 23, 24 and 25 on approved application 15/01618/VCN for Mr Damien Spencer (Castle Ward 2015 Ward)	Request Completed
17/00095/DIS	Squires Snooker Club, Lancaster, Lancashire Discharge of conditions 10, 11 and 12 on approved application 14/01376/LB for Mr Damien Spencer (Castle Ward 2015 Ward)	Request Completed
17/00100/DIS	Land Adjacent To , Bulk Road, Lancaster Discharge of conditions 3 and 9 on approved application 16/01084/FUL for Mr John Hartnett (Bulk Ward 2015 Ward)	Initial Response Sent
17/00101/DIS	Greendales Farm, Carr Lane, Middleton Discharge of conditions 3, 5 and 6 on approved application 16/01339/FUL for Mr M McCarthy Esq (Overton Ward 2015 Ward)	Initial Response Sent
17/00108/DIS	Restarigg Farm, Kirkby Lonsdale Road, Arkholme Discharge of conditions 3 and 4 on approved application 16/01413/FUL for Martin Mulligan (Kellet Ward 2015 Ward)	Application Permitted
17/00171/LB	Flat B, 24 Castle Park, Lancaster Listed building application for the installation of 2 replacement windows to the front elevation for Dr Philip Harrison (Castle Ward 2015 Ward)	Application Permitted
17/00211/FUL	Land North Of Ashford House, Ashton Road, Lancaster Retrospective application for an equine and agricultural storage building for Mr Nick Berry (Scotforth West Ward 2015 Ward)	Application Refused
17/00402/REM	Land Rear Of 1, St Michaels Grove, Bolton Le Sands Reserved matters application for the erection of a detached dwelling for Mr James Dant (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00480/FUL	42 Pinewood Avenue, Bolton Le Sands, Carnforth Erection of a 2 storey side extension, porch to front elevation and construction of a dormer extension to the rear elevation for Mr Sam Ripley (Bolton And Slyne Ward 2015 Ward)	Application Refused
17/00490/FUL	186 Brookhouse Road, Brookhouse, Lancaster Erection of a single storey rear extension for Mr Stuart Burley (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00496/FUL	Moorlands, Slaidburn Road, Lowgill Erection of an agricultural building for Mr Ben Slinger (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn

LIST OF DELEGATED PLANNING DECISIONS

17/00521/LB	23 St Georges Quay, Lancaster, Lancashire Listed building application for the replacement of 3 windows and 1 glazed patio door at the rear, installation of secondary glazing and repairs to other rear elevation windows and rendering of rear elevation. for Mrs Claire Bleazey (Castle Ward 2015 Ward)	Application Permitted
17/00523/PLDC	282 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Proposed lawful development certificate for the siting of 12 caravans without occupancy of the caravans being limited to gypsies for Mr S Lee (Westgate Ward 2015 Ward)	Lawful Development Certificate Refused
17/00527/FUL	15 Caton Green Road, Brookhouse, Lancaster Erection of a two storey side extension, installation of a pitched roof to existing garage and re cladding of property for Mr & Mrs S+R Smithson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00533/FUL	Collingholme Barn Cottage, Leck Road, Cowan Bridge Erection of a rear conservatory for Mr & Mrs Goodall (Upper Lune Valley Ward 2015 Ward)	Application Refused
17/00551/FUL	Priory Farm, Priory Lane, Hornby Erection of an extension to existing agricultural building to house livestock for Mr Norris (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00562/FUL	Manor House, 4 Main Street, Heysham Retention of metal railings to the frontage with Main Street and replacement of timber frames and glazing forming garden room on south elevation for Mr And Mrs John And Adele Ellison (Heysham Central Ward 2015 Ward)	Application Permitted
17/00563/LB	Manor House, 4 Main Street, Heysham Listed building application for the retention of metal railings to the frontage with Main Street, removal of existing rear kitchen window and replacement with painted timber double glazed double doors and replacement of timber frames and glazing forming garden room on south elevation for Mr And Mrs John And Adele Ellison (Heysham Central Ward 2015 Ward)	Application Permitted
17/00565/LB	7 St Marys Road, Heysham, Morecambe Listed building application for re-pointing of front wall and fitting of chimney cowl to existing front chimney pot for Mrs Karen Bradshaw (Heysham Central Ward 2015 Ward)	Application Permitted
17/00568/CU	179 Lancaster Road, Morecambe, Lancashire Change of use from office (B1) into hairdressers (A1) for Mrs Renee Hodges (Westgate Ward 2015 Ward)	Application Permitted
17/00571/CU	88 St Leonards Gate, Lancaster, Lancashire Change of use of shop (A1) with owners accommodation above (C3) to a 5-bed student cluster flat (C4) with alterations to the front elevation and the side elevation of rear outrigger and removal of part of raised concrete platform to rear to install stairs for Mr Hussain (Bulk Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00580/VCN	Chirnside House, Abbeyfield Close, Lancaster Erection of two single storey front extensions and timber bin store (pursuant to condition 2 on approved application 16/00473/FUL to install an air intake cowl to the northern roof of the kitchen and a ventilation grille to the western elevation) for Mrs Howson Howson (Scotforth East Ward 2015 Ward)	Application Permitted
17/00583/FUL	Hying Barn, Borwick Lane, Warton Erection of an agricultural livestock building for Mr M Allen (Warton Ward 2015 Ward)	Application Permitted
17/00587/ADV	Tyre Force NW Limited, Haws Hill, Carnforth Advertisement application for the display of non-illuminated signage comprising of one fascia sign, two free-standing signs, and five window signs for Mr Nathan Tate (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00589/OUT	The Brooklands, Kirkby Lonsdale Road, Halton Outline application of the demolition of 3 dwellings and erection of 3 replacement dwellings for Mr Peter Gott (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00592/FUL	Barclays Bank, 38 - 42 Market Street, Lancaster Replacement of two external ATM machines and replacement of external plant machinery for heating and ventilation to the second floor roof garden for Barclays Bank Plc (Castle Ward 2015 Ward)	Application Permitted
17/00593/LB	Barclays Bank, 38 - 42 Market Street, Lancaster Listed building application for replacement of two external ATM machines, external plant machinery for heating and ventilation to the second floor roof garden, external signage and external condensers and refurbishment to all floors, asbestos removal to entire building and relocation of partition walls on ground and first floors for Barclays Bank Plc (Castle Ward 2015 Ward)	Application Permitted
17/00594/FUL	Boots Opticians, 18 - 20 Market Street, Lancaster Installation of air conditioning units to the rear flat roof for Boots UK Limited (Castle Ward 2015 Ward)	Application Permitted
17/00595/FUL	Land North Of 43 Clarendon Road, Lancaster, Lancashire Erection of 2 dwellings with associated engineering works for Mr Gavin Wright (Skerton East Ward 2015 Ward)	Application Permitted
17/00601/CU	4 Marine Road West, Morecambe, Lancashire Change of use of house in multiple occupation into three 1-bed and one 2-bed flats (C3) and enlargement of front top-floor windows for Mr A. Tague (Heysham North Ward 2015 Ward)	Application Permitted
17/00614/FUL	Whernside, Cantsfield Road, Cantsfield Erection of a single storey side extension, conversion and part rebuild of garage to provide ancillary accommodation and conversion of summer house to provide guest bedroom for Mr Mark Wilkinson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00619/FUL	48 - 50 King Street, Lancaster, Lancashire Change of use of a ground floor takeaway with ancillary 3-bed flat above to a takeaway (A5) and a self contained 3-bed flat above (C3) for Mr Gary Tang (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00620/LB	48 - 50 King Street, Lancaster, Lancashire Listed Building application for installation of new internal doors and partition walls on all floors, creation of an opening in the structural wall on ground floor, repositioning of existing rooflight on rear elevation, insertion of 2 rooflights on front elevation, installation of timber external door and toplight on rear elevation and 2 extract vents and replacement of single glazed windows with slim double glazed windows to front and rear for Mr Gary Tang (Castle Ward 2015 Ward)	Application Permitted
17/00622/FUL	Lancaster University, Bigforth Drive, Bailrigg Refurbishment of Round House building including alterations to entrance and creation of additional windows for Lancaster University (University And Scotforth Rural Ward)	Application Permitted
17/00624/CU	2 Seaborn Road, Morecambe, Lancashire Change of use of ground floor hairdressers (A1) into 2-bed flat (C3) and new hairdressing salon (A1) to the rear, including removal of existing shopfront, installation of new shopfront to side elevation, replacement of ground floor windows and replacement of window and door to front elevation for Mr J. Chapstick (Bare Ward 2015 Ward)	Application Permitted
17/00627/OUT	Nazareth House, Ashton Road, Lancaster Outline planning application for the erection of a building and use of land to provide a training centre (D1) for Mr Fred Ayres (Scotforth West Ward 2015 Ward)	Application Permitted
17/00630/ADV	Barclays Bank, 38 - 42 Market Street, Lancaster Advertisement application for the display of 2 externally illuminated fascia signs and 2 non-illuminated projecting signs to front and side elevations for Barclays Bank plc (Castle Ward 2015 Ward)	Application Permitted
17/00633/FUL	Student Gateway, University Of Cumbria, Bowerham Road Construction of a roof over the rooftop plant room and re-roofing of the flat roof for Mr Mark Atkinson (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00636/FUL	12 Kendal Drive, Morecambe, Lancashire Erection of an extension to the side elevation for Mr & Mrs Craven (Torrisholme Ward 2015 Ward)	Application Permitted
17/00649/ADV	Lancaster University, Bigforth Drive, Bailrigg Advertisement application for the display of 16 non illuminated free standing signs for Lancaster University (University And Scotforth Rural Ward)	Application Withdrawn
17/00653/ADV	Unit 14, Oakwood Way, Carnforth Business Park Advertisement application for the display of 1 externally illuminated LED halo sign, 5 non-illuminated signs, and 2 internally illuminated box signs for Havwoods Ltd (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00655/FUL	11 St Annes Avenue, Morecambe, Lancashire Erection of a single storey rear and side extension, construction of a replacement roof incorporating gable ends and a dormer extension to the rear elevation for Mr & Mrs A. Yates (Torrisholme Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00662/FUL	51 St Wilfrids Park, Halton, Lancaster Erection of a first floor side extension and construction of a replacement front porch for Mr Robert Thompson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00666/FUL	Netherby, Aughton Road, Gressingham Demolition of existing garage and store building and erection of a single storey detached building for domestic garage, workshop, storage of motorcycles and pool room for Mr & Mrs John and Rebecca McGuinness (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00675/FUL	3A Cove Road, Silverdale, Carnforth Erection of a single storey rear extension and construction of a raised terrace area for Mr & Mrs J. Brooks (Silverdale Ward 2015 Ward)	Application Permitted
17/00679/FUL	Hillam Lane Farm, Hillam Lane, Cockerham Erection of a single storey rear extension for Mr & Mrs Parry (Ellel Ward 2015 Ward)	Application Permitted
17/00686/RCN	Carnforth Service Station, Lancaster Road, Carnforth Redevelopment of petrol filling station and workshop to create petrol filling station with shop, lance jetwash and canopy (pursuant to the removal of condition 5 on planning permission 94/00722/FUL to allow 24 hour use) for EuroGarages (Carnforth And Millhead Ward 2015 Ward)	Application Refused
17/00687/FUL	Cockshotts Barn, Lodge Lane, Wennington Creation of new access point for Mr J Holt (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00688/FUL	Lancaster Castle, Castle Park, Lancaster Change of use of prison kitchen (C2A) to cafe (A3), prison hospital to ticket office/shop (D2/A1) and prison male felon/link buildings to classrooms (D1), demolition of former visitors building kitchen annex, storage house and outbuilding, erection of a single storey extension to kitchen building, installation of flue and hard landscaping works to the castle courtyard area for Chalk (Castle Ward 2015 Ward)	Application Permitted
17/00689/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for the demolition of former visitors building, kitchen annex, storage house and outbuilding, erection of a single storey extension to kitchen building, reinstate 3 archways and open an additional 3 archways to the workshops building, insert external doors, removal of partition wall and create opening in internal structural wall in former hospital building, installation of plant room and associated flue and underground pipework within courtyard, insertion of 2 external doors and 2 internal openings within structural walls and relocation of partition walls in former kitchen area, removal of partition and sections of structural walls in former male felons building, creation of external doorway, relocation of partition walls and removal of part of structural wall in former link block, envelope repairs and alterations to tunnel and tunnel entrance and hard landscaping works to the castle courtyard area for Chalk (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00691/FUL	Grindleford, Kirkby Lonsdale Road, Over Kellet Construction of first floor roof terrace and first floor roof extension for Ms Lynette Berry (Kellet Ward 2015 Ward)	Application Permitted
17/00695/LB	Royal Kings Arms Hotel, 75 Market Street, Lancaster Listed building application for the replacement of existing gutters, downpipes and soil and vent pipe to the side elevation for Mr Tony Flanagan (Castle Ward 2015 Ward)	Application Permitted
17/00696/FUL	Oxendale, Wyresdale Road, Lancaster Demolition of existing rear extension and erection of a 2 storey rear extension, single storey link extension to the side and construction of front and rear balconies for Mr A Magliocco (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00698/CU	16 Noel Road, Lancaster, Lancashire Change of use of former post office (A1) and residential flat (C3) to residential living support unit (C3B) and installation of 2 ground floor bay windows on front elevation for Sunnyfield Support Services (Skerton East Ward 2015 Ward)	Application Permitted
17/00714/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)	Permitted Development
17/00715/FUL	12 Lavender Way, Middleton, Morecambe Demolition of existing rear conservatory and erection of a single storey rear extension for Mr & Mrs Norman Minjoot (Overton Ward 2015 Ward)	Application Permitted
17/00717/LB	48 King Street, Lancaster, Lancashire Listed Building application for creation of an opening in the structural wall and installation of new partition walls on ground floor, replacement of single glazed windows with slim double glazed windows to rear for Mr Gary Tang (Castle Ward 2015 Ward)	Application Permitted
17/00719/ADV	Lancaster Volkswagen, Vickers Way, Heaton With Oxcliffe Advertisement application for the display of an internally illuminated post mounted sign for SEAT (Westgate Ward 2015 Ward)	Application Permitted
17/00721/PLDC	7 Borwick Drive, Lancaster, Lancashire Erection of a conservatory to the side for Mrs E. Davies (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
17/00735/FUL	46 The Roods, Warton, Carnforth Demolition of existing garage and erection of a replacement 2-storey side extension, single storey front extension, construction of dormer windows to the front and rear elevations for Miss Jane Kaill (Warton Ward 2015 Ward)	Application Permitted
17/00742/PAH	252 Bowerham Road, Lancaster, Lancashire Erection of a 5.6 metre deep, single storey rear extension with a maximum roof height of 3.76 metres and a maximum eaves height of 2.7 metres for Ms E Chaplow And Mr J Dalglish (Scotforth East Ward 2015 Ward)	Prior Approval Not Required



LIST OF DELEGATED PLANNING DECISIONS

17/00748/FUL	5 Middlegate, White Lund Industrial Estate, Morecambe Installation of 2 louvres to the north east elevation for Virgin Media Ltd (Westgate Ward 2015 Ward)	Application Permitted
17/00752/FUL	54 Slyne Road, Bolton Le Sands, Carnforth Erection of a replacement detached garden store and replacement porch roof to the side elevation for Mr & Mrs G+D Coates (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00757/PAH	5 Norton Grove, Heysham, Morecambe Erection of a 4.35 metre deep, single storey rear extension with a maximum roof height of 3.9 metres and maximum eaves height of 2.25 metres for Mr And Mrs Aaron Campbell (Heysham Central Ward 2015 Ward)	Prior Approval Not Required
17/00761/PLDC	65 Wingate Avenue, Morecambe, Lancashire Construction of a dormer extension to the side elevation for Mrs I. Rudina (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted
17/00763/FUL	240 Lancaster Road, Morecambe, Lancashire Erection of a single storey side and rear extension for Mr & Mrs C. Finch (Bare Ward 2015 Ward)	Application Permitted
17/00764/PLDC	28 Ingleborough Road, Lancaster, Lancashire Proposed lawful development certificate for the demolition of rear porch and erection of a single storey rear extension for Mr K. Graham (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
17/00796/FUL	70 Buckingham Road, Morecambe, Lancashire Retrospective application for the retention of raised decking to park home for Mr B Long (Harbour Ward 2015 Ward)	Application Permitted
17/00803/FUL	5 Whin Drive, Bolton Le Sands, Carnforth Erection of a front porch for Mr Moore (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00819/FUL	11 Hyde Road, Morecambe, Lancashire Erection of a single storey side extension for Miss N. Smith (Torrisholme Ward 2015 Ward)	Application Permitted
17/00844/NMA	44 Emesgate Lane, Silverdale, Carnforth Non-material amendment to approved application 16/01521/FUL to change from a tapered wall to a stepped straight wall for Mr Brian Bradfield (Silverdale Ward 2015 Ward)	Application Permitted
17/00863/NMA	Chapel House, Chapel Lane, Ellel Non material amendment to planning permission 15/01569/FUL to reduce the height and footprint of the rear extension, reduction in the footprint of the car parking area, amendments to fenestration and repositioning of gates. for Mr Peter Ballard (Ellel Ward 2015 Ward)	Application Permitted
17/00900/CPA	Heysham High School, Osborne Road, Morecambe Single storey extension to link the swimming pool with the sports block, including new entrance into the swimming pool and 2.4m high fencing and gate for Heysham High School (Castle Ward 2015 Ward)	No Objections