



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 18 SEPTEMBER 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 21st August, 2017 (previously circulated).

3 Items of Urgent Business authorised by the Chairman

4 Declarations of Interest

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

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

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

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

Planning Applications for Decision

Community Safety Implications

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

Local Finance Considerations

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

Human Rights Act

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

5	A5 17/00534/FUL	Aldi, Marine Road West, Morecambe	Harbour Ward	(Pages 1 - 10)
		Demolition of existing supermarket, bowling alley and retail units and erection of a replacement supermarket with associated car parking and hard and soft landscaping		
6	A6 17/00731/FUL	The Tractor Yard, Capernwray Road, Capernwray	Kellet Ward	(Pages 11 - 20)
		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		
7	A7 17/00899/VLA	Far Lodge, Postern Gate Road, Quernmore	Lower Lune Valley Ward	(Pages 21 - 27)
		Variation of legal agreement attached to planning permission 99/00304/CU to remove holiday let restrictions on cottages		

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| 8 | A8 17/00924/VLA | Land Off Sycamore Road,
Brookhouse | Lower
Lune Valley
Ward | (Pages 28 - 30) |
| | | Variation of legal agreement attached to planning permission 14/00270/OUT to remove the obligation relating to the allotment contribution | | |
| 9 | A9 17/00643/FUL | Green Dragon Hotel, 54 Main Road, Galgate | Ellel Ward | (Pages 31 - 37) |
| | | Change of use of public house/cafe (A4/A3) and associated living accommodation to 3 self-contained flats and erection of rear fire escape | | |
| 10 | Ward Councillors Speaking at Planning Committee | | (Pages 38 - 41) | |
| | Report of the Democratic Services Manager | | | |
| 11 | Delegated Planning Decisions (Pages 42 - 53) | | | |

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.

(iv) Changes to Membership, substitutions or apologies

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

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

Published on Wednesday 6th September, 2017.

Agenda Item A5	Committee Date 18 th September 2017	Application Number 17/00534/FUL
Application Site Aldi Marine Road West Morecambe Lancashire	Proposal Demolition of existing supermarket, bowling alley and retail units and erection of a replacement supermarket with associated car parking and hard and soft landscaping	
Name of Applicant Mr Phil Isherwood	Name of Agent Mr Lee Shaw	
Decision Target Date 29 August 2017	Reason For Delay Amended Plans and ongoing discussions with County Highways	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The site is located to the south of Morecambe Town Centre approximately 135m to the south of the Midland Hotel. On the southern portion of the site lies an existing Aldi food store constructed in the early 2000's, with associated car park, and beyond this is the former Frontierland site. To the north of existing Aldi Car park lies Morecambe Superbowl which also includes a number of retail units such as a bedroom furniture shop and also a piercing and hair studio. To the north of the site lies Central Drive with Morecambe Platform, Reel Cinema and KFC located further to the north. To the east lies the car park associated with Morrison's. Marine Road West is located to the west of the site, with Morecambe Promenade and Morecambe Bay beyond this.
- 1.2 The site lies within the Morecambe Area Action Plan and is located 25m to the south of the Morecambe Conservation Area. The nearby Midland Hotel is a Grade II* listed building and is located 115m to the north of the northern boundary of the site. The Platform is a Grade II listed building and located 50m to the north of the proposal. Morecambe Bay is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and a Ramsar Site, and is located 40 metres to the west of the proposed development.

2.0 The Proposal

- 2.1 The scheme proposes the demolition of the existing Aldi foodstore, the Superbowl building and the remaining retail units within the Superbowl building. The site would be cleared and a new Aldi store is proposed on a similar footprint of the existing Superbowl building, proposing a gross internal floor area of 1,893 m², measuring 62m in length, 37m deep with a height in the region of 8m. The building is proposed to be a mixture of stonework (likely to be a reconstituted stone), cladding and buff render. To the east of the building would be the delivery bay. To the south would be the location of the new car park providing 117 car parking spaces (7 of which would be accessible, 10 parent and child and 5 motorcycle bays). The scheme provides cycle parking along the frontage with Marine Road West together with an associated trolley park. Landscaping is proposed to the north of the site and the scheme provides for access to the adjacent Morrison's car park for pedestrians.

3.0 Site History

3.1 The most relevant site history is noted below.

Application Number	Proposal	Decision
16/01370/PRETWO	Demolition of existing foodstore and retail units and erection of a replacement foodstore with access, servicing and hard and soft landscaping	Advice Provided
01/01060/FUL	Erection of Class A1 retail store with associated access servicing parking and landscaping at Empire Buildings Marine Road West Morecambe.	Approved
93/00371/FUL	Demolition of existing empire cinema complex and erection of bowling alley formation of new shop units and refurbishment of existing shop units	Approved

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	Objection - No contribution to Morecambe's economy; loss of the leisure facility; diversion of trade away from the town centre; the scheme is contrary to planning policy.
Lancashire County Highways	Initially objected due to the lack of data regarding modelling of two-way traffic flows and residual queuing (signalised junction modelling, potential queue lengths and analysis of vehicle movements around Marine Road West/Central Drive roundabout). Following ongoing discussions between the County and the applicant's highways consultant, including a meeting in August, No objection has now been received on the proviso that the existing signal operation is amended post-development to cater for the different travel patterns created by the development and provision of a construction management plan.
Environmental Health	No objection , recommends a condition associated with contaminated land.
Conservation Officer	No objection however recommends the proposed new building to be curved along Central Drive, and use lighter coloured panels along this elevation which has some synergies with the Midland Hotel.
Engineering Team	No observations received within the statutory timescales.
Fire Safety Officer	No objection .
Lead Local Flood Authority	No observations received within the statutory timescales.
Natural England	No objection , recommends a condition is attached with an environmental management plan to mitigate any impacts on Morecambe Bay.
Property Services	No specific comments however some of the land involved is Council land.
Lancaster Civic Society	Object to the development ; consider that the scheme should be reconsidered to provide family entertainment and if the Aldi store is to be enlarged it is moved from the south west to the north east and landscaping introduced and the building materials to be more in keeping with the area.
Unites Utilities	No objection ; however foul and surface water should be drained on separate systems and a surface water drainage scheme based on SUDs principles should be conditioned should a scheme be approved.
Historic England	Offer no comments on the application
Tree Protection Officer	No Objection , recommends a condition regarding maintenance and implementation of landscaping

5.0 Neighbour Representations

5.1 The following responses have been received at the time of compiling this report:

To date there has been 18 letters of objection received in relation to the scheme;

- The loss of the Super Bowl should not occur;
- The loss of small business units such as Tongue n Groove and Bedland and Sofaland are long standing businesses within Morecambe;
- Already sufficient Supermarkets in Morecambe and given Frontierland is derelict why cannot the development be sited here;
- Rather than being demolished, it should be renovated to including a lazer quest and also provision for soft play.

5.2 To date there has been 4 letters in support;

- Morecambe Super Bowl is declining in popularity;
- Aldi is a great asset to Morecambe;
- Creation of new jobs;

5.3 Morecambe Business Improvement District support the development on the basis of;

- The existing buildings are looking tired and the new built form would be more pleasing;
- More local employment for the area and enables the relocation of the leisure facility to beyond Pleasureland.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Section 1 – Delivering a strong and competitive economy

Section 2 – Ensuring the vitality of town centres

Section 4 – Promoting Sustainable Transport

Section 7 – Requiring Good Design

Section 10 – Meeting the challenge of climate change, flooding and coastal change.

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview

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**

DM1 – Town Centre Development
DM2 – Retail Frontages
DM3 – Public Realm and Civic Societies
DM12 – Leisure Facilities and Attractions
DM30 – Development Affecting Listed Building
DM31 – Development affecting Conservation Areas
DM32 – The setting of designated heritage assets
DM35 – Key Design Principles

6.4 **Lancaster District Core Strategy**

ER4 – Town Centres and shopping
ER5 – New Retail Development
ER6 – Developing Tourism
SC5 – Achieving Quality in Design

6.5 **Morecambe Area Action Plan (MAAP)**

AS3 – Improve Key routes for pedestrians and cyclists
AS6 – Western seafront and beach
AS7 – Central seafront and beach
AS9 – Edge of Centre retail park
AS10 – Traffic Route Signage to and from central Morecambe
AS11 – Transport, parking provision and management
SP1 – Key pedestrian routes and spaces
SP2 – Investment incentives
SP3 – Morecambe main seafront and promenade
SP4 – Town Centre
DO2 – Sealand Headland, Central Promenade
DO5 – Festival Market and Area

6.6 **Other Material Considerations**

- Lancaster Commercial Leisure Study (July 2016)
- This part of Morecambe was designated as a Neighbourhood Plan Area Designation on 26th April 2016, however given the Neighbourhood Plan is at a very early stage little weight can currently be attributed to this.

7.0 Comment and Analysis

7.0.1 The scheme generates the following considerations;

- Principle of the development;
- The loss of Superbowl facility;
- Highway Implications;
- Design considerations;
- Ecology;
- Heritage;
- Landscaping;
- Other considerations.

7.1 Principle of Development

- 7.1.1 The regeneration of Central Morecambe is seen as a Regeneration Priority Area of sub-regional importance. For this reason, an Area Action Plan for Central Morecambe was embarked on to improve conditions for trading and allow for a growing economy. It also sought to maximise the natural assets offered by the Bay. It is fair to say that there had been little investment in Central Morecambe over the preceding couple of decades, (a point highlighted within the Area Action Plan), however over the last few years there has been a notable change, assisted by the successful delivery of the Bay Gateway.
- 7.1.2 The site lies outside of the main town centre boundary identified in the Development Plan (MAAP), but the replacement foodstore falls within Development Opportunity Site DO5 (Festival Market and Area). Where new retail development proposals are proposed outside of the town centre boundaries, a Sequential Assessment would often be asked for (in accordance with Policy DM1 of the Development Management DPD). No sequential assessment has been submitted by the applicant. It is considered that there are special circumstances in this case, given that the proposal involves the demolition of an existing foodstore (which has a net sales area of 827sq.ft with the proposed floorspace being 1,254sq.ft) and the associated Superbowl which contains ancillary units. Given there is already an existing retail use here (in essence this scheme proposes a replacement food store), coupled with the proposal being located within a Development Opportunity Area, no Sequential Assessment is necessary to support the scheme. The Aldi store proposes a floorspace of sub-2,500 square metres and therefore this is below the threshold where a Retail Impact Assessment is required.
- 7.1.3 Aside from the general encouragement offered for redeveloping Development Opportunity Site DO5 for main town centre uses (a foodstore would constitute this), MAAP Policy SP1 seeks to improve the network of key routes and spaces around Central Morecambe. In principle the re-development of the site is capable of being made acceptable assuming the scheme demonstrates good design and siting, be acceptable from a highways perspective and ensuring a high standard of pedestrian movement can be achieved.
- 7.1.4 There has been a strong objection raised by Morecambe Town Council. This is primarily based around the loss of the leisure facility; the impact that the development may have on the vitality of Morecambe Town Centre and also that the scheme will not contribute to the economy of Morecambe. Morecambe, like many other seaside towns, has taken a number of steps in recent years to try to diversify its' economy. The Superbowl facility, when constructed in the 1990s, was one of those projects. Other facilities delivered to date (either as replacement of facilities previously lost, or new) include the cinema; public art trail along the promenade, and surrounding area; Festival Market; The Platform performance venue; and – very recently, the Trampoline Park. New play areas along the seafront; and enhanced paving and other public realm improvements around the Arndale Centre and Victoria Street are all driven by the proactive policies contained within the MAAP. Additionally the Wave Reflection Wall project is delivering increased protection for the town whilst enhancing the physical appearance of the seafront. Further commercial and leisure proposals are also emerging, which are clearly aided by the improved access to Morecambe (and Heysham) provided by the Bay Gateway. There is therefore an understandable argument that any proposal which results in the loss of a positive facility like the Superbowl, would detract from the recent improvements to the town.
- 7.1.5 The loss of the Superbowl is documented in further detail in Section 7.2. The scheme does propose a sizeable increase in footprint in terms of net sales area and therefore inevitably the scheme will attract more customers to utilise the store than is currently the case. Given the offering made by Aldi (who do not have an instore bakery or café, unlike many supermarket operators) it is considered that the scheme would not be detrimental to Morecambe Town Centre, when compared to the existing situation. With regards to economic gains, it is expected that the store would operate with a similar number of staff compared to the existing use; however naturally there would be job losses as a result of the loss of the bowling facility and the associated retail units (and this is regrettable). There would be indirect benefits associated with the demolition and construction work and the approval of the scheme would support an existing business within the town seeking to build upon their success to date. The site falls within the Morecambe Business Improvement District (BID). Morecambe BID have made comment on the planning application, and they support the scheme on the premise that the existing buildings are visually unattractive, the new building would be more sympathetic and the scheme enables the relocation of leisure facilities to a more central location.

7.2 Loss of the Bowling Facility

7.2.1 The scheme proposes the demolition of the existing Superbowl venue which provides entertainment value for all age ranges. It is understood it operates 364 days of the year which would suggest there is still demand. The applicant entered into pre-application discussions with the local authority in 2016. During those discussions the Council advised that the applicant should consider an alternative location for the leisure facility, or a replacement similar leisure facility within the DO5 area. DO5 is a wide geographical land allocation that includes extensive parking areas, which present a significant opportunity for new town centre development (including leisure uses). Furthermore the MAAP describes the area as having “... *much potential as a leisure and entertainment hub*’ where, ‘... *development can augment the town centre*’.

7.2.2 The applicant’s submission initially contained little in the way of detail with respect to the viability of the Superbowl business. However additional information was requested and supplied. Of note is that in 2013 Taylors Cumbrian Amusements were granted hardship relief from the Council regarding business rates on the basis that the Council considered that the awarding of the hardship relief was in the interest of the local people (presumably to retain the leisure use). It also transpires that the owners of the business do not take a wage from the business, and the owner has considered investing further in the business to help make it viable. The applicant has stated that investment in the machinery associated with the bowling equipment is now required (given this is in the region of 45 years old – the cost of replacement bowling machines alone would be circa £500,000). Bank funding has been considered, however given the trading performance of the business it would simply not be sustainable, given the ability of the business to repay any loan is based on its turnover.

7.2.3 The Council accepts that there has been decline in the ten pin bowling sector over the last decade and there has been a gradual decline in the number of facilities. It is worthy of note that the current facility does attract a number of trips from those residing outside the district particularly from the north (as evidenced with the Commercial Leisure Study from July 2016). Whilst the ten pin bowling sector has declined, the provision of alternative, (generally smaller) in-centre ‘boutique’ bowling facilities with a focus on food and beverage is now a fashionable alternative to the traditional ten-pin ‘bowling alley’.

7.2.4 The loss of the facility here is a significant weakness of the proposal, and is certainly not underestimated in the planning balance. But given the viability of the business it is clear why there is no desire to relocate. Furthermore, a letter dated 18th April 2017 has been received from the Superbowl that forms part of the planning application which states that the leisure attraction would likely close in any event, and this should be given weight in the decision-making process. The growth of alternative entertainment (including trampoline parks; but also other forms of entertainment such as ‘escape rooms’ which are also becoming more popular) puts further pressure on large bowling alley operations, that need to diversify in order to commercially survive. There are plans for ten pin bowling to be introduced on the top floor above the Pleasureland Amusement Arcade on Marine Road Central (a planning application has recently been received; Ref: 17/01100/FUL, which indicates bowling lanes. This application is not yet validated). Of course the Council cannot pre-determine planning applications, and application 17/01100/FUL will be determined on its own merits, following formal consultation with the relevant bodies. However, should there be support for that application, then there is the possibility of a cluster of entertainment-type uses (Trampoline Park, Cinema, Bowling Lanes) in closer proximity to each other.

7.3 Highway Implications

7.3.1 The scheme seeks to utilise the existing access/egress into the site and proposes 117 car parking spaces (Aldi currently have 67 car parking spaces and there are in the region of 10 informal spaces associated with the Superbowl). Appendix B of the Development Management DPD suggests that 1 car parking space should be provided for each 16sqm of gross floor area. The scheme proposes 1,893 m² of gross internal floor area and therefore the level of provision is consistent with the maximum thresholds.

7.3.2 The applicant has submitted a detailed Transport Statement in support of the scheme. The analysis has demonstrated that the proposed re-development of the application site will result in a net reduction of 50 two-way trips during the Weekday AM peak, a net reduction of 71 two-way trips during the weekday PM peak and a net reduction of 31 two way trips during the Saturday peak. Officers are

wary of the claim here as the applicant has used computer software (TRICS) to calculate movements based on the floor spaces of both buildings (Superbowl and the associated retail units equate to circa 3,000 sq.m) however in reality officers consider the Superbowl element would generate less movements given the Superbowl has a small informal car park accommodating in the region of 10 car parking spaces. It was apparent during site visits that vehicles enter the site, struggle to park and therefore leave the car park within a 5 minute period. The County had reservations with the submitted Transport Statement namely in terms of how the trip movements had been generated and have suggested that at various times of the day the Central Drive/Marine Road West roundabout suffer from excessive queuing and delay on the highway network. The County also considered that the submission did not assess the impact of the development in terms of whether or not the signalised junction operates within capacity. Junction modelling was also requested by County, as was 'Arcady' modelling as a means of accessing vehicle movements through the roundabout. It is worthy of note that the Aldi access was surveyed in 2013 as part of the Frontierland re-development (14/00388/FUL) and via analysis of the 'parking eye' system (which operates in the current ALDI car park) this has demonstrated that the TRICS (Trip Rate Information Computer System) data validates well against the observed data (via the use of 'parking eye'). This would appear to have allayed some of the concerns from the Highway Authority.

- 7.3.2 The County had mooted the idea that the applicants considered that MOVA (Microprocessor Optimised Vehicle Actuation) technology should be installed at the signalised junction (controlling the sites access), together with the removal of the pedestrian guard rail along Marine Road West. The County considered that the MOVA solution would mitigate the consequences of unforeseen queuing. A meeting to discuss these issues took place on 3rd August 2017 and the County subsequently confirmed that they are now satisfied that the installation of 'MOVA' would not be an appropriate means of mitigating against potential alternative vehicle travel patterns created along Marine Road West and Central Drive. The County have also confirmed that they are satisfied by the information provided by the applicant's Transport Consultant which demonstrates that the net peak vehicle movements are unlikely to significantly differ from existing movements in terms of numbers. However the development will generate differing travel patterns to the existing use on the site. The County Council therefore have requested an up to date survey of the signalised junction once the store becomes operational. Following this survey, the signals will need to be modelled and subsequent signal timing modifications undertaken to maximise the efficiency of the junction. It is the case that at present the site can be accessed off Central Drive, however this is for deliveries to the site. Notwithstanding this the current eastern access is not proposed to be stopped up as a result of this application, however bollards will be erected.
- 7.3.3 The existing car parking arrangement is secured by legal agreement (associated with the existing Aldi foodstore 01/01060/FUL), and allows for a maximum stay of 2 hours. It is noted that the existing signage on the car park allows for 90 minutes and dialogue is ongoing between officers and the applicant's agent in this regard, and Members will be updated verbally. Should members support this application then Aldi would need to make an application to remove the existing Section 106 Agreement. The extant car park was to serve Aldi, however to be utilised to allow customers to visit other shops, cafes, restaurants or public facilities to be of greater benefit to the area. Linked trips avoids un-necessary car journeys and it is recommended that the matter of the management of parking is addressed by means of planning condition. Whilst there is a current Section 106 in place covering the existing car park, officers consider the matter can be appropriately enforced.
- 7.3.4 In terms of connectivity the MAAP strives to assist with movement to the Town Centre. The existing covered walkway to the south of the bowling building is uninviting and in poor condition, however it does fulfil a critical role in allowing movement from the seafront to Morrison's, Next, Homebase (and potentially further afield towards the Rail Station and Victoria Street). A similar arrangement without the benefit of the covered walkway is proposed. There is currently a large planter that one would pass to walk towards the Morrison's, the width of this was originally in the region of 1.3m which for wheelchair and pushchair users was unacceptable, an amended plan has been provided with 2 metres now proposed but a condition is recommended ensuring this route remains open and not just during store opening times. The scheme proposes cycle spaces and is located in close proximity to high quality cycle links. There would have been benefit in securing a better standard of cycle lane provision associated with the existing roundabout however given it is not considered reasonable in the circumstances to ask for this given in essence this is a replacement foodstore.

7.4 Design Considerations

- 7.4.1 The scheme has been the subject of pre-application discussions where it was advocated by officers that any new building should be clean and contemporary, utilise active frontages and guide pedestrian movement (all key components of the MAAP). The initial submission proposed a scheme which lacked the curvature that was endorsed at pre-application stage and following discussions with the applicant the amended proposal contains a curved façade along Marine Road West and Central Drive.
- 7.4.2 A relatively simple palette of materials is to be utilised such as cladding, render and stonework. This is typical of the more recent stores that Aldi have constructed. Many modern day supermarkets do consist of elongated box-like designs, which can often feel uninspiring and even industrial. The applicant's proposed palette of materials along Marine Road West would consist of a mixture of glazing, cladding and stonework, and would feature a canopy running along the extent of the elevation. On the Central Drive elevation the scheme proposes a similar arrangement of stonework, plank cladding and glazing. The rear façade would be a mixture of stonework and buff render, with the entrance elevation consisting of mainly glazing, cladding and an element of stonework. A very narrow cladding is proposed and it considered that there may be benefit in utilising a larger panel as it appears a little fussy at present. With respect to the other materials to be used, it is considered that the detail of this should be secured by means of planning condition. Officers have some reservations regarding the canopy that has been proposed. Whilst there are some synergies with the existing covered walkway that exists, officers consider that the building would look cleaner and less cluttered if this was removed. There has been dialogue with the applicant on this point who consider that the canopy adds emphasis to the corner and assists with breaking the mass of the building, however there will be further discussions with the applicant on this, and Members informed verbally.
- 7.4.4 The existing buildings on the site are un-inspiring and rather tired looking (a point that has been made by the Morecambe Business Improvement District). Overall officers consider that there would be an improvement to the overall amenity of the local area, and therefore it is considered that the scheme is acceptable from a design and layout perspective.
- 7.5 Ecology
- 7.5.1 The site is 40 metres to the east of the Morecambe Bay SPA, SAC, Ramsar Site and SSSI. Natural England have raised no objection subject to appropriate mitigation being secured to protect the interest features for which the Morecambe Bay designated areas are allocated for. This mitigation will take the form of a construction method statement to address demolition and construction impacts such as dust, debris and run off affecting the designated sites.
- 7.6 Heritage Considerations
- 7.6.1 The proposal is located to the south of the Morecambe Conservation Area and is within the principal setting of both the Grade II listed Old Morecambe Railway Station (The Platform) and the Grade II* Midland Hotel. The Council's Conservation Officer has no objection to the scheme, however has requested that the prominent corner of the building should be curved. The Conservation Officer has also recommended that it would be prudent to introduce some lighter coloured panels and also using coursed stone rather than random coursed stone which better reflects the character of the station buildings. The applicant's plans appeared to suggest natural stone however following clarification this is likely to be a reconstituted stone. Whilst it would have been preferable for natural stone the scheme is not within the Conservation Area, however it is important to ensure that the material sample is acceptable from a colour and texture perspective and therefore samples are required. The scheme now provides the curved façade on the key corner of Marine Road West and Central Drive and matters of materials can be addressed by planning condition.
- 7.6.2 Whilst there would be a change to the setting of the Conservation Area it is considered that the development would enhance the character of the Conservation Area and also the setting of The Midland Hotel (Grade II*) and The Platform (Grade II). Given this, it is considered that the scheme complies with Policy DM31 and DM32 of the Development Management DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 and it is considered that the Conservation Area and nearby listed buildings would be preserved.
- 7.7. Landscaping

7.7.1 Tree planting, and landscaping has been proposed to the north of the building, and whilst ordinarily this would be encouraged there are reservations as how resistant this would be to the strong coastal winds. The views of the Tree Protection Officer has been sought on the application who raises no objection. A hedgerow has been proposed which is intended to help in screening the servicing bays to the site and this is considered necessary. The car parking area would be seen as a stark mass of tarmac. Rather than introduce planting (which may fail), special consideration needs to be paid to surfacing materials for this area. This can be addressed by means of planning condition.

7.7 Other considerations

7.7.1 The Council's Contaminated Land Officer has requested conditions associated with a contaminated land and given its previously developed land this is considered acceptable. The Lead Local Flood Authority have been consulted on the application however to date have provided no response to the scheme. United Utilities have responded to the consultation with no objection on the basis that surface and foul water are drained on separate systems and that a scheme for surface water drainage is attached as part of any approval of the scheme, conditions are therefore recommended concerning surface and foul water. United Utilities also point out that water mains cross the site, and the applicant was asked for clarity to understand the positioning of the water mains as to whether this has any relationship with the new building, however the plans received show there would not be any impact of the new built form on utility infrastructure.

8.0 Planning Obligations

8.1 If approved, the applicant will need to apply to remove the existing legal agreement attached to the extant Aldi supermarket, however it is considered that parking management can be addressed by means of planning condition and therefore no obligation is therefore necessary alongside the current submission.

9.0 Conclusions

9.1 The scheme unfortunately proposes the loss of a visitor attraction in Morecambe in the form of the Superbowl. This facility would have had a part to play in the continuing regeneration of Morecambe, however through the evidence supplied by the applicant it is clear that the business has been suffering financially over a number of years now and is not a viable enterprise. It must be remembered that levels of investment to Morecambe are still comparatively low. It is regrettable the bowling facility and associated retail units are proposed to be lost; however a contemporary and visually appealing building is proposed in its place. Officers consider in general design terms there would be a general improvement to the amenity of the area as a whole. It is considered that approval of this scheme would not be detrimental to the vitality of Morecambe Town Centre, given that the supermarket operator already retails from a similar location, and from a highways perspective it is considered that the development is acceptable.

9.2 Whilst not within a Conservation Area, the site lies adjacent to one, and it is considered that the proposal would enhance the setting of the Conservation Area and nearby listed buildings. A number of planning conditions are proposed controlling materials, drainage, car parking arrangements, highway measures and drainage and it is considered that subject to the provision of these conditions the scheme is recommended to members for approval.

Recommendation

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

1. Time Limits
2. Approved Plans
3. Floorspace control
4. Materials (including boundary treatments, canopy and new store materials)
5. Hard and Soft Landscaping
6. Car Parking provision
7. Car Park Management Strategy
8. Motorcycle and cycle parking
9. Offsite Highway works to include existing signal optimisation works and removal of guard rails.
10. Separate Foul and Surface Water Systems

11. Surface Water Management to be based on SUDs principles and associated maintenance
12. Hours of opening 0800-2200 Monday to Saturday 0900-1700 Sunday
13. Deliveries and servicing 0600-2300 Monday to Saturday and 0800-1700 on Sundays
14. Contaminated Land Condition
15. Restriction on soils being brought onto the site.
16. Environmental Construction Management Plan to protect the special interests of Morecambe Bay
17. Scheme for CCTV and lighting
18. Scheme for ventilation ducts, fans and motors
19. Refuse Storage
20. Provision of pedestrian route through the site

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

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

Lancaster City Council has made the decision 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 decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None

Agenda Item A6	Committee Date 18 September 2017	Application Number 17/00731/FUL
Application Site The Tractor Yard Capernwray Road Capernwray Carnforth	Proposal 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	
Name of Applicant Mr S Wightman	Name of Agent JWPC Chartered Town Planners	
Decision Target Date 18 September 2017	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

The application was deferred at the August Planning Committee meeting to allow a site visit to be undertaken.

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
Over Kellet Parish Council	Object. 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.
County Highways	No objection 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.
Environmental Health	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.
Tree Protection Officer	No objection subject to conditions requiring: submission of a tree planting scheme; development carried out in accordance with the arboricultural implications assessment.
Natural England	No comments to make.
Lead Local Flood Authority	No comments received during the statutory consultation period.
Cadent Gas (formally National Grid)	No comments received during the statutory consultation period.
British Pipeline Agency	No comments received during the statutory consultation period.
Canal and River Trust	No comments to make.
Lancashire Fire and Rescue Service	Recommendations - 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 Capernway 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.

5.4 The agent has provided a copy of an email from an officer of the Council within the Regeneration Team which neither supports or objects to the proposal but sets out the following points:

- Carnforth and pockets of the “rural north” of the district contain clusters of employment land characterised by lower densities and smaller premises, however the individual characteristics and requirements of these means that they are not necessarily “immediately” available, they can have significant infrastructure restrictions or they do not have the quality demanded by industrial tenants;
- New units with exemplar features in terms of services/utilities which save business money are also welcome;
- The Lancashire Rural LEADER programme which supports the establishment of rural business hubs if need and viability is established.

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 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)

E4 – Countryside Area

6.5 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. The use is still operating from the site and the agent has advised that it is understood that an application for the existing business to relocate to the A6 north of Carnforth is to be submitted soon. 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.

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. The agent has advised that the proposed hours of operation are: 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday and Closed Sunday, although it is not clear if this includes deliveries. However this could be adequately covered by a condition.

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

Agenda Item A7	Committee Date 18 September 2017	Application Number 17/00899/VLA
Application Site Far Lodge Postern Gate Road Quernmore Lancaster	Proposal Variation of legal agreement attached to planning permission 99/00304/CU to remove holiday let restrictions on cottages	
Name of Applicant Mr D Gardner	Name of Agent Mr D Ratcliffe	
Decision Target Date 13 September 2017	Reason For Delay Deferred for site visit at previous Planning Committee	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	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 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. The application was deferred at the August Planning Committee to allow a site visit to be undertaken.

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">Agenda Item</p> <p align="center">A8</p>	<p align="center">Committee Date</p> <p align="center">18 September 2017</p>	<p align="center">Application Number</p> <p align="center">17/00924/VLA</p>
<p align="center">Application Site</p> <p align="center">Land Off Sycamore Road Brookhouse Lancashire</p>		<p align="center">Proposal</p> <p align="center">Variation of legal agreement attached to planning permission 14/00270/OUT to remove the obligation relating to the allotment contribution.</p>
<p align="center">Name of Applicant</p> <p align="center">Oakmere Homes</p>		<p align="center">Name of Agent</p> <p align="center">Mr Daniel Hughes</p>
<p align="center">Decision Target Date</p> <p align="center">19 September 2017</p>		<p align="center">Reason For Delay</p> <p align="center">None</p>
<p>Case Officer</p>		<p>Mrs Jennifer Rehman</p>
<p>Departure</p>		<p>N/A</p>
<p>Summary of Recommendation</p>		<p>Approve</p>

(i) Procedural Matters

This application was presented to the 21 August 2017 Planning and Highways Regulatory Committee, where Members determined that the application should be deferred to allow for further discussions at the September Meeting of the Planning Policy Cabinet Liaison Group regarding allotment provision. It is anticipated that those discussions will have taken place prior to the September Planning and Highways Regulatory Committee Meeting, and a verbal update of those discussions will be presented for Members.

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 A9	Committee Date 18 September 2017	Application Number 17/00643/FUL
Application Site Green Dragon Hotel 54 Main Road Galgate Lancaster		Proposal Change of use of public house/cafe (A4/A3) and associated living accommodation to 3 self-contained flats and erection of rear fire escape
Name of Applicant Mr Lookman Thagia		Name of Agent David Tarbun
Decision Target Date 26 July 2017		Reason For Delay Committee deadline and officer workload
Case Officer		Mrs Eleanor Fawcett
Departure		No
Summary of Recommendation		Refusal

(i) Procedural Matters

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

1.0 The Site and its Surroundings

1.1 This application relates to a large two-storey stone building located on the corner of the A6 and Salford Road, in the centre of Galgate. It was vacant but is understood that it is currently used for residential accommodation without the benefit of planning permission. It was previously used as a public house, but more recently as a café, which was a permitted change of use not requiring planning permission. The building fronts onto the A6 and has a single storey extension to the north of the main part of the building, and a single storey attached garage to the west, which fronts onto Salford Road. In the vicinity of the site are predominantly terraced properties, with a row of 5 to the west set back from the highway, and a longer row to the south/ south west which abut the pavement. A number of the properties located around the main crossroads have a commercial use.

1.2 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. It is also within the Galgate Air Quality Management Area (AQMA) and Flood Zone 3.

2.0 The Proposal

2.1 Planning permission is sought for the change of use of the building to one three-bedroom flat and two two-bedroom flats. An external staircase is proposed to be constructed at the rear of the garage to provide access to the first floor of this to be used as a refuge room in the event of a flood.

3.0 Site History

3.1 Planning permission was refused at Planning Committee in June 2016 for the change of use of the building to a 6 bedroom house in multiple occupation and a separate 2 bedroom flat. It was refused for the following reasons:

1. The proposal will result in the conversion of the main part of the building to a large House in Multiple Occupancy (HMO) without sufficient justification as to how this form of accommodation will address local housing needs and imbalances in the local housing market. It is not considered that the scheme will provide an appropriate form of residential accommodation and is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, and Policies DM41 and DM44 of the Development Management Development Plan Document.
2. Insufficient evidence has been provided to justify the loss of the local facility within this rural settlement. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 8, and Policy DM49 of the Development Management Development Plan Document.

Application Number	Proposal	Decision
16/00053/CU	Change of use of public house/cafe (A4/A3) to a 6-bed house of multiple occupancy (C4), a 2-bed flat (C3) and creation of a new access point	Refused
11/00440/CU	Change of use of part of the ground floor to a self-contained flat and erection of boundary fence to the northern yard area.	Approved
11/00131/CU	Change of use of part of the ground floor to self-contained flat and erection of boundary fence to the northern yard area	Withdrawn
10/01122/CU	Change of use of part of the ground floor to self-contained flat and replacement of existing windows throughout with uPVC windows.	Refused
07/01275/FUL	Erection of a covered area to rear and construction of new boundary wall	Approved
07/00736/FUL	Erection of an external covered area, decking and wall	Refused
1/79/27	Alterations and extensions to existing public house and new detached garage	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received within the statutory consultation period.
County Highways	No objection.
Environmental Health	No comments received within the statutory consultation period.
Natural England	No comments to make.
Environment Agency	Flood Risk Standing Advice should be applied.

5.0 Neighbour Representations

- 5.1 4 pieces of correspondence have been received objecting to the proposal and raise the following concerns:
- Would increase parking problems in the area which are caused by limited on street parking and pedestrian access being limited by vehicles parked on the pavement.
 - The building has been occupied since the last application was refused.
- 5.2 1 piece of correspondence has been received which neither objects or supports the proposal but queries the proposed parking provision and raises concerns about the current situation.

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 49 and 50 – Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 70 – Loss of services and facilities
 Paragraphs 100 and 103 - Flooding
 Paragraph 118 – Conserving and Enhancing Biodiversity
 Paragraphs 135 – Non-Designated Heritage Assets

6.2 Local Planning Policy Overview – Current Position

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

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

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

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

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC5 – Achieving Quality in Design

6.3 Development Management Development Plan Document (adopted December 2014)

DM20 – Enhancing Accessibility and Transport Linkages
 DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
 DM35 – Key Design Principles
 DM37 – Air Quality Management and Pollution
 DM38 – Development and Flood Risk
 DM41 – New Residential Development
 DM42 – Managing Rural Housing Growth
 DM44 – Residential Conversions
 DM49 – Local Services

7.0 Comment and Analysis

7.1 The main issues are:

- Type of accommodation proposed
- Loss of rural facility
- Flooding
- Highway Implications
- Impact on residential amenity
- Design

7.1 Type of accommodation proposed

7.1.1 The application proposes to convert the building into three separate flats, one on each floor of the main building and one within the single storey extension on the north elevation. The site is located within the centre of Galgate, which is a village identified as suitable for residential development in Policy DM42 of the DM DPD. Although a three-bedroom flat at first floor is not ideal, the change of use of the building to flats is considered to be acceptable in principle given the sustainable location. However this does raise a number of other issues which are discussed below.

7.2 Loss of a rural facility

7.2.1 The property was previously used as a pub and more recently a café, although this change of use did not require planning permission. It is considered that the proposal results in the loss of a local service and as such it must comply with Policy DM49. This sets out that proposals that would result in the loss of buildings/uses which currently (or have previously) provided the community with a local service must provide compelling and detailed evidence to show:

- A robust and transparent marketing exercise has taken place demonstrating that the use is no longer economically viable or feasible, comprising an advertising period of at least 12 months at a realistic price;
- That alternative provision of the service existing within the settlement or a nearby settlement;
- That the use no longer retains an economic and social value for the community it serves.

7.2.2 One of the reasons that the previous application was refused was because it was not considered that sufficient evidence had been provided to justify the loss of the local service. Unfortunately no further evidence has been provided with the current submission, despite the length of time that has elapsed since the previous refusal. The initial submission set out that there had been a 'for sale' sign at the property since 2014 but provided no further information or evidence. Following this, an email was submitted from Thwaites Brewery regarding the reason for the sale of the property in 2010, and set out that the business at the property was not viable under their tenanted business model. Following the sale, the submission sets out that the building continued to be operated as a pub and then a café but proved not to be viable. Details of the tenants from 2005 until November 2015 have been provided and it has been set out that none of these managed to operate a viable business. A letter has been provided from Northwood Estate agents stating out that the property was marketed from 14 August 2013 to 3 October 2013 and there were no viewings, then from 21 August 2014 to 15 April 2016 with 1 viewing. The feedback from the viewing was that a lack of parking would not allow a restaurant business to succeed. Whilst the second period is longer than 12 months, no evidence has been provided in support of this in terms of how the property was marketed and at what value and the information is very vague.

7.2.3 There is another public house within Galgate and none of the letters objecting to the proposal are on the grounds of the loss of a local service. However, it is still considered that it has not been fully demonstrated that a robust and transparent marketing exercise has taken place demonstrating that the use is no longer economically viable or feasible.

7.3 Flooding

7.3.1 The site is located within Flood Zone 3, defined by the Planning Practice Guidance to the National Planning Policy Framework as having a high probability of flooding. As it involves the change of use of a building, the applicant is not required to undertake a sequential test to demonstrate that the

proposal cannot be provided in an area at lower risk of flooding. However, it needs to be ensured that the development is appropriately flood resilient and resistant, including safe access and escape routes where required.

7.3.2 Unfortunately, this is not a development on which the Environment Agency will routinely comment as they have adopted standing advice. However, during the previous application, they strongly recommended that there should not be sleeping accommodation on the ground floor and that the risk to life within the development from fluvial inundation remains high. The provision of sleeping accommodation on the ground floor, especially in the self-contained flat where there is no internal access to a safe 'haven', was considered to be of particular risk. It was advised that during a flood, residents trying to leave the site to reach a safe haven would be at considerable danger from the floodwater itself and also from various other hazards such as unmarked drops and water-borne debris. However, the previous application was not refused on this ground, following discussions with the Environment Agency, as the occupants of the ground floor bedroom would have access to the upper floor and a safe room and escape window was provided in the roof space of the self-contained flat, although it was considered not to be an ideal situation.

7.3.3 The current application proposes two self-contained flats at ground floor level, one in the main building and one in the extension. The latter was granted consent in 2011 but only as ancillary accommodation to the public house for employees. A refuge room has been proposed above the attached garage to serve both the ground floor flats, in the event of a flood, but this would also serve as the living room to the first floor flat. In order to access this, the occupiers of both flats would need to exit the building and walk outside around part of the building to access the proposed external staircase on the west elevation. In the event of the flood it would be likely that they would be walking through floodwater and there would be a significant risk of debris and other obstacles particularly given the location within a built up area. It is also not clear if this would always be accessible as it is not only proposed to serve two flats but is the living room to the first floor flat. Paragraph 103 of the NPPF sets out that local planning authorities should only consider development appropriate in areas at risk of flooding where development is appropriately floor resilient and resistant, including safe access and escape routes. Given the above, it is not considered that the proposal would provide a safe escape route and refuge and there would be a high risk to the health and safety of the occupants in a flood event.

7.4 Highway Implications

7.4.1 The Highways Authority has raised no objection to the proposal and set out that the use of extensive traffic regulation orders restricting vehicle movements over surrounding lengths of the public highway network are likely in themselves to act as a deterrent and limit any perceived vehicular access problems one might associate with the consequences of additional on street parking requirements due to use of the site as a house in multiple occupation. There is very little in the way of on street parking in the vicinity of the site and there are a number of terraced properties that have no off street parking. Given the size of the flats, there could be 2 cars for each unit which would likely put strain on the existing limited parking provision in the area. The submission sets out that the existing garage can be used to house a car and provide cycle storage. The previous application was not refused on the grounds of insufficient parking, although there are significant concerns regarding this. It is difficult to see how this could be overcome and people will normally seek to park as close to their door as possible. A student housing scheme could overcome this as there would be less requirement for parking, given the public transport links to the Universities and the Town Centre, although there would still be no control over this.

7.5 Impact on residential amenity

7.5.1 The only extension to the building is the external staircase to the rear of the garage. Given the location of this, facing the gable of the adjacent property, and its limited use, it is not considered that this would result in a significant level of overlooking. The upper floor has already been used as residential accommodation in relation to the public house. Although the separation distance is less than would usually be expected with facing habitable room windows, this is due to the historic layout of the settlement and is an existing situation. There is a first floor window which faces towards the end of the adjacent terrace, 2 Salford Road, but this is a blank gable. The boundary wall adjacent to this property is also proposed to be raised to 2 metres. Given the above, it is not considered that there will be a significant impact on the amenities of the adjacent residential properties.

7.5.2 The application site adjoins a busy road and therefore a noise assessment is required to determine satisfactory mitigation measures in respect of noise impacts. Environmental Health previously advised that this can be requested by way of condition. The site is also located within the Galgate AQMA. The submitted air quality assessment proposes the installation of mechanical ventilation system with inlet and outlet grills to each habitable room and separate ventilation systems for the properties. Environmental Health previously recommended a condition to require a mechanical ventilation scheme for the totality of the proposed development to be submitted to for approval and subsequent installation in accordance with agreed scheme. Although no comments have been provided in relation to this application, this seems an acceptable approach in this instance.

7.6 Design

7.6.1 There are limited alterations proposed to the external appearance of the building with some external windows, facing into the site, increased in size, although it appears that this may have already been undertaken, and the erection of an external staircase and door. These would all be well contained within the site and not prominent from public viewpoints. On a previous application, in 2010, the replacement of all the timber windows in the building with UPVC was refused. However, the current windows in the building are UPVC and have been replaced without consent. The agent argued on the last application that they do not look any different to the top hung timber windows. However, although the design is similar, it is clearly identifiable that they are UPVC and the central glazing bar appears to be integral so is not as pronounced and, from some angles, is barely discernible. It would have been preferable if the timber windows had been retained, given the prominent position of the building and the likelihood that this would be considered as a non-designated heritage asset. However, the site is not in a Conservation Area and a number of the properties around the junction have UPVC windows. As such, this is not considered to be a substantive reason to refuse the application.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposal results in a loss of a local facility, with limited evidence provided to demonstrate that it has been adequately marketed and also proposes self-contained sleeping accommodation on the ground floor within a flood Zone 3, without an acceptable safe access and haven in the event of a flood. Therefore it is considered that the proposal fails to comply with Local or National planning policy, in particular Policies DM49 and DM38 of the Development Management DPD.

Recommendation

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

1. Insufficient evidence has been provided to justify the loss of the local facility within this rural settlement. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 8, and Policy DM49 of the Development Management Development Plan Document.
2. As a result of the location of the site within flood zone 3, with self-contained residential accommodation on the ground floor, it is considered that the proposal would result in unacceptable risks from flooding to future occupiers of the development, which have not been adequately mitigated. As a result, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 10 and Policy DM38 of the Development Management Development Plan Document.

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

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service,

aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the 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

PLANNING AND HIGHWAYS REGULATORY**COMMITTEE****Ward Councillors Speaking at Planning Committee
18 September 2017****Report of Democratic Services Manager****PURPOSE OF REPORT**

To enable the Committee to express a view on increasing the time limit for Ward Councillors to address the Committee.

This report is public.

RECOMMENDATIONS

- (1) **That the Committee considers whether or not it would be in favour of increasing the time limit for Ward Councillors to address the committee from three minutes to five minutes.**

1.0 Introduction

- 1.1 Members will be aware of the public participation scheme set out in Part 4, Section 9 of the Council's Constitution (Planning and Highways Regulatory Committee Procedure Rules). The rules set out the process to follow for members of the public, applicants and Ward Councillors wishing to speak at meetings of this Committee. There is a three minute time limit which each speaker must adhere to.
- 1.2 The Chairman of Council Business Committee (CBC) has been approached by other Councillors and has asked if there could be a discussion regarding increasing the time limit for Ward Councillors at the next meeting of CBC. Hence this report has been drafted for Planning Committee members to consider in advance of the CBC meeting on 2 November 2017. It is important that consultation takes place with Planning Committee Members and a view is formed which can be reported to CBC by the Democratic Services Manager.
- 1.3 For Members' information the matter of Ward Councillors speaking at Planning Committee was last discussed at the 8 April 2013 Planning Committee, in relation to a request to remove the time limit for Ward Councillors only. Members of the Planning Committee voted to retain the three-minute speaking time limit, because this "mirrored the time allowed for a member of the public to speak". (11 in favour, 3 against, 1 abstention).

2.0 The Rules Currently

- 2.1 The current rules allow Ward Councillors the same speaking rights as members of the public, no more, no less. Each is allowed to speak for three minutes. This is in line with the advice from the Planning Advisory Service (part of the Local Government Association), set out in its document *"Probity in Planning – for Councillors and Officers"* (April 2013). The relevant part is shown in bold type, below:-

*"Where public speaking is allowed, clear protocols should be established about who is allowed to speak, including provisions for applicants, supporters, **ward councillors**, parish councils and third-party objectors. **In the interests of equity, the time allowed for presentations for and against the development should be the same**, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the council in writing".*

3.0 Time Limit Issues

- 3.1 Arguments which have been put forward to the Chairman of the CBC and to Democratic Services are:-

- Ward Councillors do not often speak at Planning Committee meetings, so it would not increase the length of the meetings very much if Ward Councillors were allowed to speak for two minutes more than other speakers.
- Ward Councillors addressing the meeting on behalf of residents may encompass views of several people who for a variety of reasons, do not wish to speak in person. This saves the Committee time and lets local people feel that the democratic process is being served.
- The 3-minute time limit is too short to present the views of the Community adequately and cover the reasons why they support acceptance or rejection.
- Planners have unrestricted time in which to present an application and answer questions.
- The Planning Committee carries out a quasi-judicial process, whatever time is given to witnesses should not be equated with the time given to the Advocates, as on the one hand the Planning Officer and on the other a Ward Councillor speaking on behalf of the community are.

- 3.2 Reasons why increasing the time limit to five minutes would not be desirable are:-

- PAS advice (see para 2.1) is for protocols to allow equal speaking times. If the time limit for Ward Councillors were to be increased to five minutes, then the limit for all speakers should be increased to five minutes which would considerably lengthen busy meetings of the Planning Committee. Lancaster already has one of the most generous public speaking schemes in operation, with no limit on the total number of speakers on any individual item.

- It is recognised that some people would not wish to address the Committee themselves and would prefer their Ward Councillor to speak for them. However, the expectation is that they would have submitted written representations. The Ward Councillor should direct their presentation to reinforcing and amplifying those written representations within the three minutes, in accordance with the advice given by the Planning Advisory Service.
- The role of Planners at the Committee is to provide professional advice, which cannot and should not be subject to any time limit.
- Allowing any group or individual longer to speak than other registered speakers risks exposing the Council to allegations that it disproportionately allowed one side of the debate to be aired for longer than the other.

3.3 In considering this proposal, it is also prudent to recall the findings of the Local Government Association/Planning Advisory Service when they carried out a 'Planning Peer Challenge' of the City Council's Planning Service in April 2014. Some Members will recall being interviewed as part of the Peer Challenge process. The final report was complimentary about the Planning Service and noted that it was delivering significant outcomes. In relation to the issue of public speaking at Planning Committee, the Local Government Association/Planning Advisory Service report concluded:

"The Council allows up to three minutes for anyone who wishes to speak on an individual planning application. This can also take up a lot of time and the Council may wish to continue monitoring the situation to determine whether it would like to make any changes to these arrangements in the future".

4.0 Details of Consultation

4.1 This report is presented today to consult with Planning Members so that the view of the Planning Committee can be reported to Members of the CBC when it meets on 2 November 2017.

5.0 Conclusion

5.1 Members are asked whether they would support an increase in the time limit for Ward Councillors speaking at Planning Committee from three minutes, to five minutes.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

LEGAL IMPLICATIONS

Whilst it is not a legal requirement, Members are strongly encouraged to have regard to the Planning Advisory Service guidance quoted in paragraph 2.1 and ensure that the time limits for all speakers is the same. If the Committee is minded to increase the time limit for Ward Councillors, it would be best practice to increase the time limit for all speakers.

FINANCIAL IMPLICATIONS

None identified.

OTHER RESOURCE IMPLICATIONS

Human Resources: None

Information Services: None

Property: None

Open Spaces: None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Contact Officer: Debbie Chambers
Telephone: 01524 582057
E-mail: dchambers@lancaster.gov.uk
Ref:

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/01206/CU	Victoria Hotel, Victoria Terrace, Glasson Dock Change of use of pub/hotel and outbuildings into 8 apartments(C3) including construction of a new roof to outbuildings for Mr G. Cass (Ellel Ward 2015 Ward)	Application Withdrawn
16/01207/LB	Victoria Hotel, Victoria Terrace, Glasson Dock Listed Building application for internal and external alterations to facilitate the change of use of pub/hotel into 8 apartments including construction of a new roof to outbuildings for Mr G. Cass (Ellel Ward 2015 Ward)	Application Withdrawn
17/00072/DIS	Snab Green, Snab Green Lane, Arkholme Discharge of conditions 3 and 4 on approved application 16/01502/FUL for Mr & Mrs Martin Wilkinson (Kellet Ward 2015 Ward)	Initial Response Sent
17/00073/DIS	Willow Cottage, Main Street, Arkholme Discharge of conditions 3 and 7 on approved application 13/01207/FUL for Mr Richard Clark (Kellet Ward 2015 Ward)	Initial Response Sent
17/00083/DIS	Land Adjacent To J E Clarke, Agricultural Buildings, Melling Road Discharge of conditions 4, 5, 7 and 8 on approved application 15/00096/FUL for Mr John Clarke (Upper Lune Valley Ward 2015 Ward)	Request Completed
17/00084/DIS	Luneside West Development Site, Thetis Road, Lune Business Park Discharge of conditions 5, 14, 17, 35, 36, 37, 38 and 39 on approved application 10/00660/FUL for Mrs Holly Smith (Marsh Ward 2015 Ward)	Initial Response Sent
17/00096/DIS	Arna Wood Farm East, Arna Wood Lane, Lancaster Discharge of conditions 5 and 6 on approved application 16/01617/VCN for Ms Tamm (Scotforth West Ward 2015 Ward)	Initial Response Sent
17/00102/DIS	Street Record, Marine Road West, Morecambe Discharge of condition 3 , relating to Phase 3 of the works, on approved application 17/00304/FUL for Lancaster City Council (Harbour Ward 2015 Ward)	Initial Response Sent
17/00103/DIS	Wrampool House, Gulf Lane, Cockerham Discharge of conditions 3, 5, 6 and 7 on approved application 16/01012/FUL for Mr J. Bradshaw (Ellel Ward 2015 Ward)	Initial Response Sent
17/00105/DIS	Sweetings Farm, Sandside, Cockerham Discharge of conditions 3 and 4 on approved application 17/00357/REM for Mr Lawson (Ellel Ward 2015 Ward)	Initial Response Sent
17/00107/DIS	Conderside Barn, Littlefell Lane, Lancaster Discharge of condition 3 on approved application 17/00014/FUL for Mr & Mrs Chadwick Heald (Lower Lune Valley Ward 2015 Ward)	Request Completed
17/00109/DIS	St Leonards House, St Leonards Gate, Lancaster Discharge of conditions 4, 6, 9 and 17 on approved application	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

	16/01155/FUL for Mr Dan White (Bulk Ward 2015 Ward)	
17/00110/DIS	St Leonards House, St Leonards Gate, Lancaster Discharge of condition 3 on approved application 16/01156/LB for Mr Dan White (Bulk Ward 2015 Ward)	Initial Response Sent
17/00111/DIS	The Nook, Quernmore Road, Caton Discharge of conditions 3, 4, 5, 6 and 7 on approved application 17/00193/FUL for Mr & Mrs w. Barker (Lower Lune Valley Ward 2015 Ward)	Request Completed
17/00113/DIS	The Nook, Quernmore Road, Caton Discharge of conditions 3, 4, 5, 6 and 7 on approved application 17/00194/LB for Mr And Mrs W Barker (Lower Lune Valley Ward 2015 Ward)	Request Completed
17/00114/DIS	Land To The South Of The Spinney, Haverbreaks Road, Lancaster Discharge of conditions 3, 4, 5 and 7 on approved application 17/00260/FUL for Mr & Mrs Watson (Scotforth West Ward 2015 Ward)	Request Completed
17/00115/DIS	Land North Of 27, Coach Road, Warton Discharge of conditions 3, 4, 5, 6 and 7 on approved application 17/00226/FUL for Mr & Mrs M. Dawson & P. Brown (Warton Ward 2015 Ward)	Initial Response Sent
17/00117/DIS	6 Middle Highfield, Aughton, Lancaster Discharge of condition 3 on approved application 17/00504/FUL for Mr Rose (Halton-with-Aughton Ward 2015 Ward)	Request Completed
17/00118/DIS	Bond Gate Farm, Abbeystead Road, Dolphinhholme Discharge of conditions 4 and 5 of approved planning application 16/00427/REM for Mr Simon Walling (Ellel Ward 2015 Ward)	Initial Response Sent
17/00120/DIS	Lune Valley Lawnmowers, Sylvester Street, Lancaster Discharge of condition 3 on approved application 16/01150/FUL for Mr A Jayousi (Castle Ward 2015 Ward)	Application Refused
17/00121/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of conditions 5, 6, 10 and 14 on previously approved application 12/01156/LB for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Request Completed
17/00122/DIS	Sidegarth, Sidegarth Lane, Halton Discharge of condition 7 on previously approved application 15/01399/FUL for Mr & Mrs Swindlehurst (Halton-with-Aughton Ward 2015 Ward)	Initial Response Sent
17/00125/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of conditions 6, 7, 11 and 15 on previously approved application 12/01155/FUL for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Request Completed
17/00126/DIS	Yew Trees, Upphall Lane, Priest Hutton Discharge of condition 5 and 6 on approved application 16/00416/FUL for Mrs Patricia Thomas (Kellet Ward 2015 Ward)	Initial Response Sent
17/00126/FUL	Cote Farm, Strellas Lane, Slyne Retrospective application for the temporary siting of a mobile home for an agricultural worker and creation of a parking area for Mr & Mrs Casson (Bolton And Slyne Ward 2015 Ward)	Application Refused
17/00127/DIS	Land At, 2 Hall Garth Close, Hall Garth Gardens Discharge of	Application Refused

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condition 3 on approved application 16/01182/OUT for Mr H Nicholson (Kellet Ward 2015 Ward)

17/00129/DIS	Former Filter House, Kellet Road, Carnforth Discharge of conditions 9, 10 and part condition 4 on approved application 15/01578/FUL for Mr Henry Taylor (Carnforth And Millhead Ward 2015 Ward)	Request Completed
17/00362/FUL	Lancaster Royal Grammar School, East Road, Lancaster Demolition of technology building and erection of a single storey extension to Mawby Science building with alterations to existing car park for Mr Richard Gittins (Bulk Ward 2015 Ward)	Application Permitted
17/00417/FUL	Cafe, Clear Water Fisheries, Kellet Lane Erection of a private stable and associated works to include fencing and riding paddock for Mr Alex Mollart (Warton Ward 2015 Ward)	Application Permitted
17/00436/FUL	Heysham Power Station, Princess Alexandra Way, Heysham Siting of a gymnasium cabin for EDF (Overton Ward 2015 Ward)	Application Permitted
17/00475/FUL	Tarnwater, Milnthorpe Road, Yealand Conyers Erection of a new commercial building comprising of three new light industrial units (B1c) for Mr Rogerson (Warton Ward 2015 Ward)	Application Refused
17/00481/FUL	104 Greaves Road, Lancaster, Lancashire Change of use of dwelling (C3) to a 7 bed shared student accommodation (Sui Generis) for Mr Tom Ferber (Scotforth West Ward 2015 Ward)	Application Refused
17/00536/LB	Nat West Bank, 68 - 70 Church Street, Lancaster Listed building application for installation of wireless access points for Mr Darren Hewitt (Castle Ward 2015 Ward)	Application Permitted
17/00569/PLDC	20 Warley Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the change of use of a dwellinghouse (C3) to a residential institution (C2) for 3 young persons in receipt of care, with no more than 2 carers resident overnight for Company sandcastle care (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Refused
17/00604/FUL	20 School Road, Heysham, Morecambe Erection of a two storey side extension for Mr & Mrs Andrew Martin (Heysham South Ward 2015 Ward)	Application Permitted
17/00611/ADV	Stork Hotel, Corricks Lane, Conder Green Advertisement application for the display of three externally illuminated fascia signs, two non-illuminated wall mounted signs and one externally illuminated freestanding sign for Mr Paul Dobb (Ellel Ward 2015 Ward)	Application Permitted
17/00615/LB	Stork Hotel, Corricks Lane, Conder Green Listed building application for the display of three externally illuminated fascia signs and two non-illuminated wall mounted signs and the installation of two external lanterns and two external flood lights for Mr Paul Dobb (Ellel Ward 2015 Ward)	Application Permitted
17/00626/FUL	11 Skipton Street, Morecambe, Lancashire Construction of a	Application Permitted

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dormer extension to the front elevation for Mr Dimo Stankov (Poulton Ward 2015 Ward)

17/00629/VCN	Axa Direct, Northgate, White Lund Industrial Estate Application for the retention of a temporary portacabin (pursuant to the variation of condition 1 on planning application 15/00829/VCN to extend the temporary permission for a further 2 years until July 2019) for Ms F Lyons (Westgate Ward 2015 Ward)	Application Permitted
17/00631/FUL	28 Langdale Road, Carnforth, Lancashire Demolition of existing side porch and detached garage and erection of a 2 storey side extension and detached garage for Mrs Carol Sedgwick (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00637/VLA	1A Bridgeside, Carnforth, Lancashire Variation of legal agreement attached to planning permission 04/00852/FUL to alter the affordable housing provision for Mr Andrew McQueen (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00644/FUL	Halton Green East, Green Lane, Halton Change of use of part of existing barn to one dwelling (C3) including the demolition of existing attached outbuilding, associated engineering works and creation of access tracks for Mr Matthew Clarkson (Halton-with-Aughton Ward 2015 Ward)	Application Withdrawn
17/00645/LB	Halton Green East, Green Lane, Halton Listed building application for internal and external works to facilitate the conversion of part of existing barn to one dwelling (C3) including the demolition of existing attached outbuilding, blocking up of existing door and window openings, insertion of windows and rooflights for Mr Matthew Clarkson (Halton-with-Aughton Ward 2015 Ward)	Application Withdrawn
17/00647/FUL	Coach House, Crag Road, Warton Change of use of existing garage, boat store and outbuilding to a 2 storey dwelling (C3), erection of a first floor extension with new raised roof above, relocation of existing vehicular access point and parking area for Mrs S Hall (Warton Ward 2015 Ward)	Application Permitted
17/00651/FUL	Greene Cottage, 1 Home Farm, Oaklands Court Erection of a single storey rear extension for Mr P Keener (Scotforth West Ward 2015 Ward)	Application Permitted
17/00656/FUL	Gibson House, Whitebeck Lane, Priest Hutton Erection of a single storey rear extension for Mrs Sal Riding (Kellet Ward 2015 Ward)	Application Permitted
17/00657/LB	Gibson House, Whitebeck Lane, Priest Hutton Listed building application for the erection of a single storey rear extension with associated internal works including the opening up and reinstatement of original fireplace, raising existing first floor bathroom floor and replacement of modern front door with an external oak ledged braced and framed door for Mrs Sal Riding (Kellet Ward 2015 Ward)	Application Permitted
17/00658/VCN	Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe Change of use of land for the siting of static caravans for holiday occupation 12 months of the year (pursuant to the variation of condition 3 on planning permission 16/01358/CU	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

to remove the need to keep up to date Council Tax bills for owners/occupiers) for Mr Hill (Overton Ward 2015 Ward)

17/00664/FUL	Pattys Barn, Hillam Lane, Cockerham Erection of a single storey side extension for Mr Chris Parry (Ellel Ward 2015 Ward)	Application Refused
17/00673/FUL	Land Adjacent Hilltop Farm, Kirkby Lonsdale Road, Over Kellet Erection of a two-storey detached dwellinghouse for Mrs Nicholls (Kellet Ward 2015 Ward)	Application Permitted
17/00674/FUL	Chancellors Wharf, Aldcliffe Road, Lancaster Installation of new windows, doors and stone cladding with canopy over proposed entrance to Lune House to create a reception area and installation of a replacement window to Kent House for Helen Wood (Castle Ward 2015 Ward)	Application Permitted
17/00678/PLDC	12 Redshank Drive, Heysham, Morecambe Proposed Lawful Development Certificate for the construction of a hip to gable roof extension for I Hewshall (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
17/00683/FUL	82 Granville Road, Heysham, Morecambe Erection of a single storey side and rear extension for Mr D. Lesnik (Heysham North Ward 2015 Ward)	Application Permitted
17/00684/CU	Hampson House, Hampson Lane, Hampson Retrospective application for the change of use of land for the siting of two mobile home units, one for temporary living accommodation and one for temporary storage for 1 year for Mr Ken Drinkwater (Ellel Ward 2015 Ward)	Application Refused
17/00690/FUL	St Michaels, St Michaels Lane, Bolton Le Sands Partially retrospective application for the installation of rooflights to all elevations, installation of windows to the south east and north west elevation, construction of a glass roof over area to the rear and installation of raised decking for Mr Zac Solomons (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00692/FUL	1 Severn Court, Morecambe, Lancashire Demolition of existing conservatory and erection of a part two storey / part single storey rear extension, and erection of 1m tall fencing to the north-east side site boundary and partially along the south-east rear site boundary for Mr Andrew Spence (Skerton West Ward 2015 Ward)	Application Permitted
17/00694/LB	Toll House Inn, 120 Penny Street, Lancaster Listed building application for replacement of damaged roof battens and insertion of membrane, replacement leadwork, pointing of chimney stacks and copings, repair of rainwater goods, repair of windows, part repointing of ashlar stonework at ground floor and stonework repairs for Daniel Thwaites PLC (Castle Ward 2015 Ward)	Application Permitted
17/00704/ADV	Silverdale Hotel, Shore Road, Silverdale Advertisement application for the display of 1 externally illuminated fascia sign, 3 non-illuminated fascia signs, 2 externally illuminated amenity boards, 1 non-illuminated amenity board, 1 externally illuminated hanging sign, 1 non-illuminated board sign and 3 non-illuminated free standing signs for Mr Gavin	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

Barrett (Silverdale Ward 2015 Ward)

17/00705/LB	Silverdale Hotel, Shore Road, Silverdale Listed building application for the fitting of 1 externally illuminated fascia sign, 3 non-illuminated fascia signs, 2 externally illuminated amenity boards, 1 non-illuminated amenity board, 1 externally illuminated hanging sign, 1 non-illuminated board sign, installation of 2 floodlights and 3 lanterns, relocation of 4 floodlights and removal of 1 floodlight and painting of the front and side elevations for Mr Gavin Barrett (Silverdale Ward 2015 Ward)	Application Permitted
17/00706/REM	Development Land - Plot 3, Kirkby Lonsdale Road, Over Kellet Reserved matters application for the erection of a detached dwelling for Mr Dennis Towers (Kellet Ward 2015 Ward)	Application Permitted
17/00709/LB	The Beeches, Aughton Brow, Aughton Listed building application for the installation of replacement front and rear doors, existing canopy over front door and windows to all elevations for Mr And Mrs Pooley (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00712/FUL	Sainsburys, Lancaster Road, Morecambe Erection of a side extension to existing foodstore for use as an online grocery distribution hub (B8) and installation of 2.4 metre high timber fencing with associated landscaping and parking, alterations to existing highway and creation of a new access point for Sainsbury's Supermarkets Ltd (Westgate Ward 2015 Ward)	Application Refused
17/00716/FUL	Lloyds Bank, 47 - 49 Market Street, Lancaster Relocation of existing ATM to the front elevation for Lloyds Banking Group (Castle Ward 2015 Ward)	Application Permitted
17/00733/FUL	National Probation Service, 39 - 41 West Road, Lancaster Installation of an air conditioning unit to the rear elevation for Mr Duncan Watt (Castle Ward 2015 Ward)	Application Permitted
17/00734/FUL	3 Highgrove Road, Lancaster, Lancashire Demolition of existing rear conservatory and erection of a part two, part single storey rear extension, a single storey front extension and construction of a first floor rear balcony for Mr Deepak Herlekar (Scotforth West Ward 2015 Ward)	Application Permitted
17/00737/ADV	410 Heysham Road, Heysham, Morecambe Advertisement consent for the display of 2 internally illuminated fascia signs, 1 internally illuminated projecting sign and 1 non-illuminated amenity sign for CO-OPERATIVE FOOD (Heysham Central Ward 2015 Ward)	Application Permitted
17/00740/FUL	Holme House Farm, Robrairie, Whittington Erection of a slurry store for Mr STEPHEN METCALFE (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00743/FUL	Burrow Cottage, Burrow Road, Burrow Erection of a carport and storage enclosures for Mr And Mrs J S Grinstead (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00744/LB	Burrow Cottage, Burrow Road, Burrow Listed building application for the removal of existing shed and carport and	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

	erection of a carport and storage enclosures for Mr And Mrs J S Grinstead (Upper Lune Valley Ward 2015 Ward)	
17/00751/FUL	35 Gloucester Avenue, Lancaster, Lancashire Erection of a single storey rear and side extension, and raised terrace for Mr & Mrs G Cookson (Scotforth East Ward 2015 Ward)	Application Permitted
17/00753/FUL	13 Mariner Way, Lancaster, Lancashire Erection of a rear conservatory for Mr Steve Palmer (Marsh Ward 2015 Ward)	Application Permitted
17/00755/LB	New Inn, 40 Yealand Road, Yealand Conyers Listed building application to render the doorway to the north elevation extension for Barry Robinson Leisure Ltd (Warton Ward 2015 Ward)	Application Permitted
17/00758/LB	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Listed building application for the retention of 4 external doors for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Application Permitted
17/00760/PAM	Communication Mast South Of Hare Tarn Farm, Netherbeck, Carnforth Prior approval for the removal of existing 15m high monopole and equipment cabin and installation of a replacement 24m high monopole, 6 antennas, 1 transmission dish and 1 equipment cabinets and other ancillary development for Cornerstone Telecommunication Infrastructure Ltd - CTIL (Carnforth And Millhead Ward 2015 Ward)	Prior Approval Not Required
17/00762/FUL	62 Rydal Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs S. Lumb (Bulk Ward 2015 Ward)	Application Permitted
17/00765/FUL	18 Seymour Avenue, Heysham, Morecambe Erection of a single storey side extension for Mr & Mrs C. Whitehead (Heysham South Ward 2015 Ward)	Application Permitted
17/00766/FUL	14 South Avenue, Morecambe, Lancashire Erection of a detached garage for Mr J. Brown (Bare Ward 2015 Ward)	Application Permitted
17/00767/PRETWO	Land Off Scotland Road, Carnforth, Lancashire Residential development comprising circa. 260 dwellings, creation of access, public open space and associated works for KCS Development (Carnforth And Millhead Ward 2015 Ward)	Closed
17/00768/FUL	47 Bare Avenue, Morecambe, Lancashire Retrospective application for the installation of raised decking and screen for Mr Jamie Winder (Bare Ward 2015 Ward)	Application Permitted
17/00771/FUL	Deep Dene, 95 Hest Bank Lane, Slyne Demolition of existing outbuilding, erection of a single storey rear extension and a two storey detached garage/ancillary building for Miss Louise Northcott (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00774/PLDC	23 Foxholes Road, Morecambe, Lancashire Proposed lawful development for the construction of a dormer extension to the rear elevation for Mr M. Bell (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
17/00775/FUL	39 Yealand Drive, Lancaster, Lancashire Erection of a single storey rear extension and construction of a pitched roof to the side elevation for Mr & Mrs Currie (Scotforth East Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS
2015 Ward)

17/00776/OUT	Land Adjacent To 41 Main Street, Cockerham, Lancaster Outline application for the erection of one dwelling with associated access for Mrs J Fowler (Ellel Ward 2015 Ward)	Application Permitted
17/00777/FUL	4 Lathom Avenue, Morecambe, Lancashire Demolition of existing rear extension and side car port and erection of a replacement single storey side and rear extension for Mr Arran Chadwick (Bare Ward 2015 Ward)	Application Permitted
17/00780/PAM	Mast South Of Highfield Recreation Ground, Quernmore Road, Lancaster Prior approval for the installation of a 17.5m monopole with antennae, 1 dish and ancillary equipment cabinets for Vodafone (Bulk Ward 2015 Ward)	Prior Approval Refused
17/00782/PLDC	37 Hest Bank Road, Morecambe, Lancashire Proposed lawful development certificate for the demolition of existing rear utility room and erection of a single storey rear extension for Mr & Mrs J. Wood (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
17/00783/REM	Hill Top Farm, Farleton Old Road, Farleton Reserved matters application for the erection of a detached dwelling for Mr John Towers (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
17/00787/FUL	2 Coach Road, Warton, Carnforth Erection of extension to existing garage for Mr & Mrs J Bell (Warton Ward 2015 Ward)	Application Permitted
17/00788/FUL	Marshalls Self Drive, Lancaster Leisure Park, Wyresdale Road Erection of a two storey extension for storage building (B8) for Mr And Mrs Marshall (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00789/FUL	36 Manor Road, Slyne, Lancaster Demolition of existing rear conservatory and erection of a single storey rear and a single storey rear/side extension for Mrs Rebecca Cluney (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00790/FUL	4 Bay Horse Drive, Lancaster, Lancashire Erection of extension to existing garage and construction of a hipped roof for Mr Mark Cragg (Scotforth East Ward 2015 Ward)	Application Permitted
17/00792/ADV	6 Coastal Road, Hest Bank, Lancaster Advertisement application for the display of one externally illuminated fascia sign and one non-illuminated fascia sign for Mr Zhongwan Luo (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00794/OUT	Hunting Hill Lodge, Hunting Hill Road, Carnforth Outline application for the erection of a dwelling and detached garage for Ms Lisamarie Graveson and Mr. Adrian Marrocco (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00798/FUL	6 Connaught Road, Lancaster, Lancashire Erection of a single storey rear extension and construction of a raised decking area to the rear for Mr Tony Leach (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00799/FUL	40 Bridge Road, Nether Kellet, Carnforth Erection of a single storey rear and side extension for Mr & Mrs Astley (Kellet Ward 2015 Ward)	Application Permitted

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17/00801/AD	Gibraltar Farm, Lindeth Road, Silverdale Agricultural Determination for erection of a portal framed building for Mr JAMES BURROWS (Silverdale Ward 2015 Ward)	Prior Approval Not Required
17/00806/FUL	Red Court Caravan Park, Lancaster Road, Carnforth Installation of 4.5m high ball stop fencing to the northern site boundary, 1.8m high fencing to the southern and western site boundary and a height reduction to the existing northern and eastern stone boundary wall for Red Court Caravan Park (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00807/LB	Lancaster Girls Grammar School, Regent Street, Lancaster Listed building application for replacement windows on five elevations for Mrs Cahalin (Castle Ward 2015 Ward)	Application Permitted
17/00808/FUL	18 Beaufort Road, Morecambe, Lancashire Construction of a dormer extension to the rear elevation and a hip to gable extension for Mr & Mrs Hustwick (Bare Ward 2015 Ward)	Application Permitted
17/00809/FUL	Red Court Caravan Park, Lancaster Road, Carnforth Construction of a timber pergola for Red Court Caravan Park (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00812/NMA	70 Slyne Road, Bolton Le Sands, Carnforth Non material amendment to planning permission 15/00039/FUL to add additional windows to the east elevation for Mr Stephen Hall (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00815/EIO	Street Record, Melling Road, Hornby Scoping request for the erection of 80 residential units for (Upper Lune Valley Ward 2015 Ward)	Closed
17/00816/LB	Longlands Farm, Longsands Lane, Cowan Bridge Listed building application for replacement windows to the front, rear and side elevations, installation of new vents/extractors to all elevations, new door to the front elevation, under-floor heating to the ground floor, construction of a replacement internal staircase and re-opening of doorway between kitchen and dining room, internal wall lining additions and amendments to drainage for Mr & Mrs Bryan and Anita Coates (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00817/ADV	The Co-operative Food, 22 Glentworth Road West, Morecambe Advertisement application for the display of two internally illuminated fascia signs, one internally illuminated projecting sign, one non-illuminated fascia sign and two non-illuminated amenity signs. for Co Op Food (Westgate Ward 2015 Ward)	Application Permitted
17/00818/ADV	Site Of Former Squires Snooker Club, Penny Street, Lancaster Advertisement application to display four non-illuminated signs for Mr Damien Spencer (Castle Ward 2015 Ward)	Application Permitted
17/00820/FUL	Sainsburys, Cable Street, Lancaster Installation of an additional ATM on eastern elevation adjacent to existing ATM for Sainsbury's Supermarkets Ltd (Bulk Ward 2015 Ward)	Application Permitted
17/00821/ADV	Sainsburys, Cable Street, Lancaster Advertisement application to display one non-illuminated sign surrounding ATM machine for Sainsbury's Supermarkets Ltd (Bulk Ward 2015	Application Permitted

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Ward)

17/00822/FUL	10 Fenton Street, Lancaster, Lancashire Change of use and conversion of offices (B1) and 2 one bed flats (C3) to 8 two bed flats (C3) for Mardon PLC (Castle Ward 2015 Ward)	Application Withdrawn
17/00823/LB	10 Fenton Street, Lancaster, Lancashire Listed building application for internal works to facilitate the change of use and conversion of offices (B1) and 2 one bed flats (C3) to 8 two bed flats (C3) for Mardon PLC (Castle Ward 2015 Ward)	Application Withdrawn
17/00829/FUL	10 Hest Bank Lane, Hest Bank, Lancaster Partial demolition of existing garage and erection of replacement double garage and alterations to existing vehicular access point and erection of a fence for Mr D Proctor (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00832/FUL	12 Lindow Square, Lancaster, Lancashire Replacement of two existing white uPVC windows with softwood double hung sliding sash windows to the front elevation for Ms Tanya Murray (Castle Ward 2015 Ward)	Application Permitted
17/00834/FUL	6 Dykes Lane, Yealand Conyers, Carnforth Erection of a single storey rear extension for Mrs Alison Mather (Warton Ward 2015 Ward)	Application Permitted
17/00837/FUL	Montressa, Green Lane, Morecambe Erection of a detached bungalow for Mr P. Culligan (Westgate Ward 2015 Ward)	Application Permitted
17/00838/LB	Gressingham Hall, Fall Kirk, Gressingham Listed building application for the repointing of the east and north elevations using lime mortar for Ms Jane Paxman (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00839/FUL	9 Oxcliffe Avenue, Heysham, Morecambe Construction of a hip to gable and dormer extension to the rear elevation and installation of clear glazed window to side elevation at first floor for Chris Walton (Heysham Central Ward 2015 Ward)	Application Permitted
17/00849/FUL	Lane Head Farmhouse, Hornby Road, Wray Erection of single storey side extension for Mr Mark Watts (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00859/FUL	14 Hayfell Avenue, Morecambe, Lancashire Erection of a single storey side extension for Mr & Mrs P. McNally (Westgate Ward 2015 Ward)	Application Refused
17/00860/PLDC	Unit B, Sunnyclyff Retail Park, Mellishaw Lane Proposed lawful development certificate for internal alterations to facilitate and enlarge the use of the property as the sale of pets and pet related products class A1 and ancillary pet care and treatment centre for Vets4Pets Ltd (Overton Ward 2015 Ward)	Lawful Development Certificate Granted
17/00866/FUL	9 Nairn Road, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr & Mrs Phillips (Marsh Ward 2015 Ward)	Application Permitted
17/00874/FUL	Phoenix House, Main Street, Arkholme Removal of garage door and installation of window to form habitable room for	Application Permitted

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Mr & Mrs Day (Kellet Ward 2015 Ward)

17/00875/FUL	Lancaster Priory, St Marys Parade, Lancaster Installation of a replacement telecommunications antenna for EE Ltd And Hutchinson 3G UK Ltd (Castle Ward 2015 Ward)	Application Permitted
17/00876/FUL	Old Smithy House, Bentham Road, Wennington Demolition of existing conservatory and erection of a single storey side/rear extension for Mr Richard Gargini (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00878/FUL	1A Greenbank, Moneyclose Lane, Heysham Construction of two dormer extensions to the front elevation for Ms Ashia Von Wilucki (Overton Ward 2015 Ward)	Application Permitted
17/00879/LB	The Old Warehouse, 6 - 8 Castle Hill, Lancaster Listed building application to relocate partition walls, addition of WC and kitchen facilities, removal of the existing staircases, insertion of two new staircases, boxing in historic plaster work, sand blast and clean beams and woodwork, exposed floor joists to first and second floor to be underdrawn with wallboard to create ceiling, re-plaster internal walls, insertion of new windows to the front elevation, replacement of three side elevation windows and front and rear doors. for J. Marland and C. Davey (Castle Ward 2015 Ward)	Application Permitted
17/00881/EIO	Moss House, Gulf Lane, Cockerham Scoping Opinion request for the erection of 2 chicken broiler units and associated access for Lee Searles (Ellel Ward 2015 Ward)	Closed
17/00890/PLDC	11 Halsall Drive, Morecambe, Lancashire Proposed lawful development certificate for erection of a single storey rear extension for Mr & Mrs J. Fairclough (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
17/00893/PAH	24 Palatine Avenue, Lancaster, Lancashire Erection of a 4 metre deep, single storey rear extension with a maximum roof height of 3 metres and a maximum eaves height of 2.8 metres for Mr Zak Sly (Scotforth West Ward 2015 Ward)	Prior Approval Not Required
17/00910/FUL	Sports Complex, University Of Cumbria, Bowerham Road Installation of a replacement roof over existing Sports Centre for Mr Nigel Beeden (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00915/FUL	Land Adjacent To The Eagles Head, Nether Kellet Road, Over Kellet Erection of 2 dwellings with associated landscaping and access for Mitchells of Lancaster (Kellet Ward 2015 Ward)	Application Withdrawn
17/00916/FUL	6 Lentworth Drive, Lancaster, Lancashire Demolition of existing side extension and erection of a single storey side and rear extension for Mrs L Hampsey (Scotforth East Ward 2015 Ward)	Application Permitted
17/00930/FUL	12 Greenwood Drive, Bolton Le Sands, Carnforth Erection of a 2 storey rear extension for Mr G Fothergill (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00933/EIR	Land At New Quay Road, Lancaster, Lancashire Screening opinion for the erection 250 houses with associated works for Satnam Investments Ltd, And Lune Industrial Estates Ltd (Marsh Ward 2015 Ward)	Closed

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17/00968/NMA	Red Court Caravan Park, Lancaster Road, Carnforth Non material amendment to approved application 16/00569/FUL for changes to the rear elevation by way of adding Juliet balconies to the second floor dormers at both ends for McCarthy And Stone Retirement Lifestyles Ltd (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00985/EIR	Ward Field Farm, Main Road, Galgate Screening request for the erection of up to 75 dwellings for Hollins Strategic Land LLP (Ellel Ward 2015 Ward)	Closed
17/00993/NMA	Petrol Filling Station, Morrisons, Hilmore Way Non material amendment to planning permission 16/01229/FUL to relocate the entrance door and install a night hatch for Mr Carl Conlon (Harbour Ward 2015 Ward)	Application Permitted
17/01054/POSTAD	Mast South Of Highfield Recreation Ground, Quernmore Road, Lancaster Request for post-decision meeting for Vodafone (Bulk Ward 2015 Ward)	Closed
17/01063/EIR	Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe Screening opinion for Mr Hill (Overton Ward 2015 Ward)	Closed