



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 16 OCTOBER 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 18th September 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 17/00345/FUL	Royal Lancaster Infirmary, Ashton Road, Lancaster	Scotforth West Ward	(Pages 1 - 16)
		Erection of 6 storey staff car park on the site of the existing staff car park (west of main hospital complex) and the regrading, resurfacing and new layout of entrance/exit routes to the existing visitors car park (east of main hospital complex) and erection of a single storey day nursery (D1) for Mrs Tristram Reynolds		
6	A6 17/00770/RCN	23-25 North Road, Lancaster, Lancashire	Bulk Ward	(Pages 17 - 24)
		Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and carparking and Relevant Demolition of existing rear extensions (pursuant to the removal of condition 18 on planning permission 16/00274/FUL to remove the need to undertake pre-		

occupation noise monitoring) for Mr Trevor Bargh

7	A7 17/00723/OUT	Land North Of Rectory Gardens, Lancaster Road, Cockerham	Ellel Ward	(Pages 25 - 32)
		Outline application for the erection of 18 dwellings and creation of a new access for Messrs Kirkby & Sherrington		
8	A8 17/00925/RCN	Land Off Sycamore Road, Brookhouse, Lancashire	Lower Lune Valley Ward	(Pages 33 - 37)
		Outline application for the demolition of existing bungalow and erection of up to 31 dwellings with associated access (pursuant to the variation of condition 4 on planning permission 14/00270/OUT to vary the scheme for off-site highway works for Oakmere Homes		
9	A9 17/00868/FUL	Bay Scaffolding, Northgate, White Lund Industrial Estate	Westgate Ward	(Pages 38 - 44)
		Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit for Bay Scaffolding Ltd		
10	A10 17/00732/VCN	Lancaster Leisure Park, Wyresdale Road, Lancaster	John O'Gaunt Ward	(Pages 45 - 49)
		Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 in relation to boundary treatments, condition 6 in relation to the phasing of the highway works, condition 14 amending the timescales for the implementation of on-site play and fulfilling the requirements of condition 19 (contaminated land) and condition 23 (cycle stores/refuse) on planning permission 16/01183/VCN) for Mr Matthew Buckle		

11	A11 17/00950/OUT	Gunnerthwaite, Locka Lane, Arkholme	Kellet Ward	(Pages 50 - 57)
		Outline application for the erection of an agricultural workers dwelling for Mr & Mrs Barker		
12	A12 17/00833/FUL	Stone Jetty, Marine Road Central, Morecambe	Poulton Ward	(Pages 58 - 62)
		Installation of a Time and Tide bell sculpture for Miss Sian Johnson		
13	A13 17/00947/FUL	Craggs Of Conder Green, Thurnham Mill, Thurnham	Ellel Ward	(Pages 63 - 68)
		Erection of extension to existing agricultural retail premises, and change of use of agricultural retail storage area to general self-storage units (B8) for Mr Richard Cragg		
14	A14 17/01029/FUL	12 Knowlys Drive, Heysham, Morecambe	Heysham Central Ward	(Pages 69 - 73)
		Partially retrospective application for the erection of a single storey side and rear extension for Mr Tyrone Lewis		

15 Delegated Planning List (Pages 74 - 83)

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 (Substitute), Sheila Denwood (Substitute), Mel Guilding (Substitute), Tim Hamilton-Cox (Substitute), Janice Hanson (Substitute) and Geoff Knight (Substitute)

(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 Tuesday 3rd October 2017.

Agenda Item	Committee Date	Application Number
A5	16 October 2017	17/00345/FUL
Application Site Royal Lancaster Infirmary Ashton Road Lancaster Lancashire	Proposal Erection of 6 storey staff car park on the site of the existing staff car park (west of main hospital complex) and the regrading, resurfacing and new layout of entrance/exit routes to the existing visitors car park (east of main hospital complex) and erection of a single storey day nursery (D1 use class)	
Name of Applicant Mr Tristram Reynolds NHS Morecambe Bay Trust	Name of Agent Mr Andrew Goodwin	
Decision Target Date 3 July 2017	Reason For Delay Negotiation and assessment of traffic impacts and highway designs.	
Case Officer	Mrs Jennifer Rehman	
Departure	N/A	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The application site relates to the Royal Lancaster Infirmary (RLI) located and accessed off Ashton Road A588 via the Pointer Roundabout, south of Lancaster's city centre. The RLI site occupies a large triangular parcel of land effectively between Lancaster Canal to the northwest, Ashton Road (unclassified cul-de-sac) to the east and Ripley School/Sixth Form to the southwest with the West Coast Mainline beyond. There are some NHS buildings and uses located to the east side of Ashton Road including the existing visitor car park. The land is heavily built-up and comprises a mix of historic buildings, utilitarian building blocks and modular temporary buildings typical to most health institutions across the country. Between the buildings land is taken up by surface level parking, a helipad, internal service roads and pockets of landscaping.
- 1.2 The applicant's proposals cover two separate parcels of land within the wider RLI site. The staff car park proposals relate to land to the rear (west) of the hospital where the existing surface level staff car park is located. This car park lies adjacent to Aldcliffe Road Conservation Area (to the north), with Medical Unit 2 and the Mortuary to the east, a day nursery (within the RLI complex) and the recreational playing fields associated with Ripley High School to the south and southwest. To the north of the staff car park a narrow band of predominately tall deciduous Ash trees (not protected) line the stone wall boundary between the existing staff car park and Aldcliffe Road Conservation Area, specifically Aldcliffe Yard, which has recently been re-developed and comprises a combination of residential conversions and newly built dwellinghouses. This adjacent development is predominately two-storey in scale and occupies a group of grade II listed buildings fronting the canal. A further linear group of trees separate the site from the recreational fields (PPG 17 land) to the south west. None of these trees are protected. The surrounding hospital buildings (to the east of the staff car park) range in height from single storey to four-storeys high. The existing nursery is a single storey modular building set within an enclosed curtilage situated in the furthestmost southern part of the site (to the rear of Medical Unit 2).

- 1.3 The second parcel of land relates to the existing visitor car park. This is located to the eastern side of the main hospital complex. This car park is a surface-level car park accessed off the unclassified section of Ashton Road (hereafter referred to as Ashton Road) with its main entrance located to the south side of Ashton Court and its exit close to the emergency drop off at the Centenary Building. This car park includes the last remaining remnants of the former railway goods platform. This is now incorporated into a raised landscaped area comprising a group of mature trees (not protected) along the visitor car parks' western boundary with Ashton Road. The south eastern boundary of the car park predominately consists of native hedgerow with some trees. As the car park tapers towards the southern end of the site where a small triangular parcel of green space provides some landscaping. This area forms part of the highway and is outside the application site. The eastern boundary comprises of a mix of hedgerow/tree specimens to the south west of Railway Street and Boundary Road and a high stone wall to the rear of properties on South Road. There are some off-site trees in this location, in particular a group of trees located behind 2-16 South Road which are protected by Tree Preservation Order Number (TPO) 347(2003).
- 1.4 The eastern visitor car park is bound by residential dwellings to the east, including Railway Street, Boundary Road and South Road. These consist of traditional stone terraces. Railway Street and Boundary Road properties are two-storey and orientated northwest-southeast either flanking or backing the proposed site. The properties on South Road are taller, more prominent stone terraces with larger gardens backing the application site in this location. A number of these properties have been sub-divided into flats. There is an existing pedestrian link through the existing visitor car park to Railway Street.
- 1.5 The site levels across the entire RLI site fall approximately 10m between Ashton Road (main entrance to the hospital) towards the rear of the site adjacent to Aldcliffe Yard (staff car park). This is most noticeable to the rear of the Centenary Building along the internal service road. The scale of existing hospital buildings and site levels are noticeable from Lancaster Canal forming a background view from the canal particularly further eastwards from Aldcliffe Yard.
- 1.6 In terms of other constraints/designations of interest, Lancaster Canal Biological Heritage Site lies within 35m of the boundary of the site (at the western staff car park). Land to the west of the staff car park and beyond the railway line up to the boundary with Haverbreaks, is land designated as Key Urban Landscape and Urban Greenspace, with Morecambe Bay's SPA and Ramsar site and the Lune Estuary SSSI located circa 2km to the west of the application site. The site is located close to Lancaster's Air Quality Management Area (AQMA) and lies within its consultation zone.
- 1.7 The RLI site is only 300m south of the city centre with easy access to bus services with bus stops directly outside the hospital and nearby on the A6 or Ashton Road. Both Lancaster's main bus station and railway station are within 1km of the site. Cycle Route 6 runs along the canal from Aldcliffe and towards the city centre where there are various links to the wider cycle network including direct cycle routes from the south and east of the city towards the RLI. There is a direct cycle route from Aldcliffe Road over Basin Bridge extending up through the hospital site. This route runs along the northern boundary of the staff car park.

2.0 The Proposal

- 2.1 The proposal has three main components, all of which are intended to facilitate improvements to the level of available on-site parking for staff and visitors associated with the RLI. They are:
1. Alterations to the existing visitor car park comprising re-grading; reconfiguration to the access and egress points, re-design to provide additional parking spaces; improvements to pedestrian facilities (pathways/crossings) and provision of cycle/motorcycle parking;
 2. Erection of a new multi-storey staff car park (MSCP) over 6 decks including cycle parking and electric vehicle charging spaces; and,
 3. Relocation and erection of new nursery building and external play area with drop-off facilities and parking provision.
- 2.2 Alterations to the existing visitor car park
This involves the removal of the earth embankment (former railway platform) and mature trees along its western side to enable regrading and the re-design of the car park layout to provide a total of 242 spaces, of which 24 spaces shall be designated as accessible bays. The car park access located to

the north will move slightly closer to Ashton Court – the proposed access still serves the Trust buildings to the north in this location. The car park exit will be relocated approximately 45m south and will provide a two-lane exit from the proposed car park. The car park shall include pedestrian routes through the car park with separate pedestrian access points onto Ashton Road where two zebra crossings are proposed towards the main RLI complex. The pedestrian access to Railway Street shall be formalised as part of this proposal. In addition a new footway shall be provided to the east side of Ashton Road along the frontage of the visitor car park. Cycle parking for 24 cycles (or motorcycles) are catered for within the visitor car park.

2.3 Staff MSCP

The second element of the proposal involves the erection of a 6-deck MSCP for staff building in the location of the existing surface level staff car park. This car park will be accessed via the internal service road as existing via the hospital's second access point off Ashton Road (classified) serving Medical Unit 2, the Mortuary, other NHS buildings and the hospital's day-care nursery. The internal road layout in this location does not substantially change. The MSCP provides a total of 788 parking bays including 11 designated bays – an increase in 524 staff car parking spaces overall in this location. The proposal includes 12 additional cycle parking bays next to the proposed MSCP and proposals to improve the lighting along the existing cycle path which runs to the north of the existing staff car park area. In addition, four electric charging points are proposed adjacent to the MSCP to serve the wider RLI site.

2.4 The proposed building is positioned to the rear of Medical Unit 2. It measures approximately 98m by 52m with its longest axis orientated north-south. The east elevation of the MSCP extends to 98m reducing to approximately 65m (including the splayed section of the building) on the west elevation to account for the zig-zagged footprint along the southwestern boundary. The building at its highest point measures approximately 18.5m (the two circulation towers), gradually dropping to approximately 13.8m, 8.25m and 4m as the MSCP steps down towards the canal (north). Naturally as the building steps down the floor areas of the decks reduce also.

2.5 The proposed building will be a cast-concrete structure. The concept for the façade treatment is a combination of concrete 'ribbons' forming the upstands (walls) to each deck and timber-effect vertical and horizontal cladding panels in a range of brown hues. Behind the cladding protective mesh would be applied as a matter of health and safety. The two tall circulation towers shall be finished in natural concrete featuring a central glazing wall.

2.6 Nursery building

The proposed development involves the relocation of the existing nursery. A new modular building measuring approximately 23m by 16.5m with a height of approximately 3m is proposed to the north west of the proposed MSCP. This includes an enclosed external play space between the car park and the nursery building which also wraps around the southwestern elevation of the building. An acoustic fence is proposed around the building and external space. Drop-off facilities and staff parking is proposed to the front of the nursery at the same level that currently exists. The building shall be finished in a timber-effect vertical cladding system with dark grey aluminium window frames/doors with a dark grey flat roof system with deep fascia's and large overhangs to the entrance and to create a covered external play space.

3.0 Site History

3.1 The hospital site has an extensive planning history. Only the applications that are specifically relevant to the proposed development are listed in the table below, this includes the relevant parent planning consent associated with the residential development to the former British Waterways site. The applicant submitted an application for a multi-storey staff car park and alterations to the visitor car park in April 2015. This application was withdrawn following officer advice that the proposal was not capable of being supported due to highway/traffic, heritage, air quality and arboricultural concerns and due to inconsistencies and inadequacies in the submission. The applicant has since undertaken formal pre-application discussions with the Council.

Application Number	Proposal	Decision
17/00407/EIR	Screening request for erection of 6 storey staff car park on the site of the existing staff car park (west of main hospital complex) and the regrading, resurfacing and new layout of	Not Environmental Impact

	entrance/exit routes to the existing visitors car park (east of main hospital complex) and erection of a crèche	Assessment (EIA) development
15/00493/FUL	Erection of 5 storey staff car park on the site of the existing staff car park (west of main hospital complex) and the regrading, resurfacing and new layout of entrance/exit routes to the existing visitors car park (east of main hospital complex)	Withdrawn
15/00508/EIR	Screening request for a 4 Storey staff car park on the site of the existing staff car park, new layout for the ambulance/visitor drop off zone & the resurfacing and new layout and entrance/exit routes of the existing visitors car park.	Not EIA development
09/00123/FUL (and associated listed building consents and subsequent variation of condition applications)	Residential development comprising the conversion of Listed Buildings to provide six dwellings and the erection of 8 new dwellings	Permitted
09/00251/DPA	Construction of a cycle route between Aldcliffe Road and Ashton Road, through Lancaster Infirmary	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No objections subject to the delivery of highway mitigation (Pointer Roundabout lane alterations); highway works to the junction of Ashton Road A588 and Ashton Road (unclassified); pedestrian improvements works to Ashton Road (unclassified); and the delivery of all proposed sustainable measures, including cycle, electric charging facilities, implementation of the Travel Plan and the following obligations:</p> <ol style="list-style-type: none"> 1) Funding for 1 bus to increase Park and Ride services to 15 minute frequencies during daytime hours 6 days a week for 4 years (3 years post MSCP opening; 2) £10,000 for bus stop and safety improvements within the MSCP; 3) £10,000 for a review and implementation of residential parking areas around the RLI site; 4) £75,000 towards improvements for pedestrians and cyclists at the Pointer Roundabout; and, 5) £6,000 for Travel Plan support. <p>A number of conditions are also recommended to secure off-site highway works, details of the access arrangements, car parking management, traffic and construction management and submission and implementation of a Travel Plan.</p>
Conservation Officer	<p>No objections - The proposal will have some harm/impact to the setting/views from the Conservation Area but the impact is judged less than substantial and should be weighed against the public benefits of the proposals in accordance with paragraph 134 of the NPPF. Taking account of the amendments made, the proposals are considered acceptable subject to conditions relating to materials and finishes.</p>
Environmental Health Service	<p>No objection. Noise – considering the proposals in terms of layout and design, entrance and exit areas in relation to existing dwellings, shift patterns and times of peak usage, the existing use of the land and the noisescape at this location, it is judged unlikely that the proposed development will cause unreasonable ‘observed effect levels’ in respect of noise. Contaminated Land – no comments received. Air Quality – objection on the grounds that the proposed mitigation is not sufficient to address the impacts of the development.</p>
Lancashire Archaeology Advisory Service	<p>No objections subject to archaeological recording condition.</p>
Lead Flood Authority (LLFA)	<p>No objection subject to sustainable drainage conditions.</p>

United Utilities	No objection subject to development according with the Flood Risk Assessment.
Natural England	No comments.
Canal and Rivers Trust	No objection subject to appropriate bat lighting strategy and retention of trees to the northern and western boundaries. They are disappointed about the loss of the green walling as previously proposed.
Lancaster Canal Trust	No objections subject to a suitable bat lighting strategy to safeguard the BHS of the canal.
Tree Protection Officer	Objects due to excessive tree loss to facilitate changes to the visitor car par and lack of suitable replacement planting to mitigation for such loss. The proposal is considered contrary to DM Policy 29.
Lancaster Civic Society	No objections – following amendments they indicate that their earlier objections (to the withdrawn scheme) have been addressed. The re-positioning of the crèche is an added improvement. With regards to the visitor car park, they comment the loss of the former platform remnants is regrettable but accept that the needs of the additional parking would outweigh the loss of the masonry associated with the former platform. They would like to see the masonry re-used elsewhere and suggest appropriate recording of the removal of the platform remnants. The Civic Society add that the Trust should be supporting the Park and Ride service to relieve traffic beyond the construction period.
Lancashire Constabulary	No objections subject to the inclusion of a number of security recommendations including designing the development to meet Safer Parking Scheme standards and Secure by Design New Schools 2014 and/or Commercial 2015 criteria. Other measures include provision of appropriate lighting, CCTV, landscaping, anti-climb barriers and control barriers to the car parks.

5.0 Neighbour Representations

5.1 At the time of compiling this report, 15 letters of objection have been received. The main reasons for opposition are as follows:

- Increased congestion, noise and air pollution;
- The NHS should be doing more to support people's health and the environment;
- A significant increase in on-site parking will not support sustainable travel;
- If the Park and Ride is suitable for construction why not on a long term basis;
- Travel Plan is inadequate;
- Concerns over improvements to the cycle link via Basin Bridge in case this means the link being opened 24 hours;
- Increase risk of crime to neighbouring properties;
- Detrimental impact on neighbouring residential amenity due to its overbearingness in close proximity to smaller properties, subsequent loss of light and increased noise/light pollution;
- Lack of need for the staff parking proposed – outside Monday-Friday 9-5 the car park is virtually empty;
- MSCP building is excessive in scale, out of proportion (described as monstrous) and will have detrimental impact on the skyline, the conservation area and its setting and the enjoyment of Lancaster canal;
- MSCP has increased in height from earlier proposals;
- MSCP will result in a loss of views over the canal;
- MSCP will not resolve the Trust's concerns as it only caters for 50% of the existing demand and the Trust have failed to evidence improvements and modal shifts to sustainable travel (evident by the 33% increase in car users between 2009 and 2015);
- MSCP has increased from 733 to 788 spaces;
- Concerns over consultation.

Some local residents have indicated they support the modifications to set the building back from Aldcliffe Yard but are concerned by the increased scale at the southern end.

An objection from the Ward Councillor for Scotforth West (Councillor Abi Mills) has been received commenting that despite being fully aware of the need to address parking issues in neighbouring areas of Greaves, caused mostly by staff from the RLI, the Travel Plan submitted is inadequate and fails to demonstrate the Trust is committed to modal shift from car use to sustainable transport.

A letter of support has been received from County Councillor for Lancaster East (Lizzi Collinge). The reasons for support include alleviation of the impact of hospital staff parking in other areas of the city, particularly in the residential areas of Moorlands and Primrose; improvements for visitors and patients including increased provision for disabled motorists; proposal should assist with staff recruitment; proposal still leads to an increase in sustainable transport measures; there should be enforcement of parking regulations and parking pass costs should relate to salary levels.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework:

Paragraphs 7, 12 and 14 – Achieving Sustainable Development

Paragraph 17 – Core Principles

Paragraphs 32, 34, 35, 36, 39 and 41) – Promoting Sustainable Transport

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

Paragraph 111 – Planning should encourage the effective use of land

Paragraph 118 – Biodiversity

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

Paragraphs 128 – 141 – Conserving and Enhancing the Historic Environment

Paragraphs 187 – Decision Taking

Paragraphs 188 – 190 – Pre-application Engagement

Paragraphs 196 -197 – Determining Applications

Paragraphs 203 - 206 – Planning Conditions and obligations

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 Lancaster District Core Strategy (2008)

SC1 Sustainable Development

SC5 Achieving Quality in Design

SC6 Crime and Community Safety

E1 Environmental Capital

E2 Transportation Measures

- 6.4 Development Management Plan DPD (2014)
 DM20 Enhancing Accessibility and Transport Linkages
 DM21 Walking & Cycling
 DM22 Vehicle Parking Provision
 DM23 Transport Efficiency and Travel Plans
 DM29 Protection of Tress, Hedgerows and Woodland
 DM30 Development affecting Listed Buildings
 DM31 Development affecting Conservation Areas
 DM32 The setting of Designated Heritage assets
 DM34 Archaeology
 DM35 Key Design Principles
 DM37 Air Quality Management and Pollution
 DM38 Flood Risk
 DM39 Surface Water & Sustainable Drainage
 DM48 Community Infrastructure
 DM49 Local Services
 Appendix C (Car Parking Standards)

- 6.5 Other Material Considerations
 District of Lancaster Highways and Transport Masterplan Consultation Draft (March 2015)
 National Planning Policy Guidance
 Provision of Electric Vehicle Charging Points New development Planning Advice Note (PAN) (September 2017)
 Low Emissions and Air Quality Guidance for Development PAN (September 2017)
 The Setting of Heritage Assets 'Historic Environment Good Practice Advice in Planning: Note 3 (March 2015)

7.0 Comment and Analysis

- 7.1 The principal planning considerations in the determination of this application are as follows:
- Highway matters including parking requirements, traffic impacts and sustainable transport measures;
 - Design;
 - Cultural heritage;
 - Residential amenity;
 - Landscaping and ecology.
- 7.2 Highway Matters – Parking Requirements
 The applicant (hereafter referred to as the Trust) are seeking to improve on-site parking facilities for both staff and visitors. Most significantly, the increase in parking provision proposed by this application relates to staff parking. The Trust currently employs 2,700 staff of which approximately 2,000 are present on site on a typical weekday. The Trust has undertaken staff travel surveys which indicates that approximately 76% of staff currently drive to work. This results in a potential demand for over 1,500 staff parking spaces. When considering other areas for staff parking within the RLI complex, the total number of staff car parking spaces will be 991 spaces, which is equivalent to 66% of the total demand (509 spaces short to meet the demand). The remaining staff travel demands (by car) are catered for as part of the Trusts' Travel Plan proposals (covered later in the report).
- 7.3 The Trust has made a case that the apparent lack of staff car parking facilities on site causes a number of issues, such as; the ability for the Trust to recruit staff, particularly senior staff/consultants; on-road parking around the hospital complex causing obstructions affecting the operation of the hospital; on-street parking in surrounding residential streets; parking difficulties causing staff and visitors to be late for duties and appointments missed/delayed.
- 7.4 The level of proposed parking has been scrutinised at length, not least because of the concerns that a proposal for car parking does not appear to represent a sustainable form of development, particularly having regard to the RLI's highly sustainable location. However, currently the site provides only 488 staff car parking spaces on site (32% of the demand) and the knock-on effect of this causes serious problems for the Trust (and the surrounding area). The proposal increases the available staff park spaces to approximately 66% of the demand. There are no objections in principle

to the Trust increasing their parking provision to better meet their existing demands. The fundamental issue is how the remaining demand is catered for via the Travel Plan and how the Trust commits to a modal shift to more sustainable transport modes (discussed later in the report) to support their proposal and limit the impacts.

- 7.5 Having regard to the staff surveys, car park management, the existing daily usage profile (factored to represent a typical day), the car park accumulation modelling in the Transport Assessment (TA) (and subsequent technical notes), the assessment highlights that the MSCP would typically be operating at 92% of its total capacity (726 spaces). This means a theoretical over-provision of spaces of 62 spaces. The local highway authority has confirmed that it is important that there is a level of spare capacity provided at peak times and that car parks typically operate efficiently at 85%-90% capacity. This is to avoid unnecessary vehicle circulation while users search for spaces. In this case, a further argument is put forward in respect of staff work patterns and the need for the spare capacity (increased parking demand) to cater for shift patterns and change-overs. This point has been accepted. Even if the targets in the Travel Plan are achieved and the percentage of car users reduces from 76% to 70%, the car park would still be operating at 85% capacity which is within the typical efficiency boundaries (85-90%). On this basis, the size (number of spaces) proposed in the MSCP is accepted.
- 7.6 With regards to the existing visitor parking provision, the Trust argue that the existing parking layout at peak times does not provide sufficient capacity and has an inefficient layout. The proposed changes to the visitor car park provide an increase in 30 spaces, of which 24 spaces will be accessible spaces. However, the proposal does result in the loss of some on-street parking for visitors, to accommodate a new footway along Ashton Road, resulting in a total increase of only 16 spaces. Despite this relatively modest increase, the proposals provide a significant increase in the number of accessible spaces for visitors and patients in this location and vastly improve the efficiency and pedestrian safety in, out and through the car park. The local highway authority is satisfied with the level of accessible spaces and raise no objections to this element of the proposal.
- 7.7 Traffic Impacts
The relocation of the nursery and the modest increase to the size of the visitor car park are not considered to have a material impact on the local highway network. Whilst the submitted TA covers all elements of the proposal, the main concern relates to the impact of the proposed MSCP. The TA (and subsequent technical notes and re-modelling) includes a reasonable, realistic assessment of traffic generation and trip distribution taking account of existing on-site car parking demand; those users who park on-street around the site; and future growth. The methodology and scope of the assessment has all been agreed in consultation with the highway authority and has been thoroughly tested. This has been the main reason for the delays in the determination of the application. The conclusion is that the proposal will not result in any new additional traffic generation associated with the hospital. The proposals simply change the routes traffic take around the city. The fundamental issue therefore relates to how the traffic is re-distributed around the local highway network due to proposed development. Inevitably the proposal results in a localised increase close to the RLI, particularly on the A6 Greaves Road arm of the Pointer Roundabout.
- 7.8 The modelling concludes that both access junctions from Ashton Road onto the Ashton Road A588 and from the private roads onto the Ashton Road A588 with the development (and including committed development) will operate within their practical capacity in the future years.
- 7.9 The Pointer Roundabout on the other hand is already operating close to its practical capacity with the A6 corridor known to experience significant traffic congestion at peak times. The modelling undertaken indicates that that in the future year (growth factor to 2022) including committed development with the development, the junction would be operating over-capacity in the future year during the AM peak on the A6 Greaves Road and Bowerham Road arm of the junction, leading to a level of congestion which would have a significant impact.
- 7.10 The applicant recognises this and has proposed modest changes to the A6 Greaves Road arm of the junction to account for existing lane under-utilisation. The existing arrangement is for all A6 ahead and left turning traffic to utilise the nearside lane with the right-hand lane for Bowerham traffic only. In the future year with the development in place there will be more traffic turning left onto Ashton Road than turning right onto Bowerham Road in the AM peak hour. The applicant therefore proposes to alter the road markings at this arm of the junction to allow the nearside lane to be left turn only and the off-side lane marked as ahead and right turn traffic flows. This relatively minor

adjustment when re-modelled allows the junction to operate within its theoretical capacity. It should be noted that the assessment has not taken account of the Heysham to M6 link and the changes in traffic flows through the A6 corridor and Pointer Roundabout as a consequence. Whilst there will be an increase in traffic flows through the junction which will lead to some congestion, the impacts are not considered severe in the context of paragraph 32 of the NPPF. The test of 'severe' is a matter of professional judgement and in this case, the Highway Authority has indicated to Officers that a 'severe' impact would be if an arm or multiple arms of the junction operate close to or beyond its theoretical capacity for the whole hour. In this case it is only operating close to theoretical capacity for 15 minutes and for a further 15 minutes above practical capacity, with the remaining 30 minutes operating well within capacity. Furthermore modelling junction safety in both the existing and future situation are considered. Again the Highway Authority does not consider the impacts/influence of the development would result in severe conditions. The Highway Authority is satisfied with the modelling and mitigation and raises no objections in relation to traffic impacts, provided the mitigation measures for the junction are secured by planning condition. Subsequently, the proposal is considered compliant with policy DM20 of the DM DPD and paragraph 32 of the NPPF.

7.11 Access Arrangements

The proposed access arrangements to both the MSCP, the crèche and the visitor car park have been considered as part of the applicant's proposals and their supporting Transport Assessment and supplementary highway technical notes. Access to the MSCP and crèche maintains the use of the existing access off the A588 Ashton Road onto the internal hospital road network which wraps around the main RLI complex down towards Medical Unit 2. There are no proposed changes to this junction. The access and egress points to the MSCP are on its eastern boundary between the proposed building and Medical Unit 2. The route to the crèche follows the same route to the MSCP but extends along the northern boundary of the MSCP to its own dropping off, parking and turning space. The visitor car park is also accessed off the A588 Ashton Road onto the unclassified section of Ashton Road. The proposals here do include some alterations to this junction as well as alterations to the locations of the car park access and exit points on Ashton Road itself. The proposed access strategies for both the MSCP, visitor car park and crèche are acceptable and supported by the local highway authority.

7.12 For all three elements of the scheme the proposal includes improvements to the pedestrian environment, particularly to the visitor car park where there is now a new footway along the eastern side of Ashton Road, two zebra crossings together with improvements to kerbs and tactile paving at crossing points to the west side of the road too. A pedestrian access point will also be provided between the visitor car park and Railway Street. Cycle and pedestrian connectivity is maintained between the RLI site and Aldcliffe Road with surfacing and lighting improvements proposed within the application site alongside the new internal road around the MSCP and crèche. Speed tables and crossing facilities are also provided to provide a safe environment. It is contended that the access arrangements proposed for each element of the scheme and connectivity improvements to the pedestrian environment are deemed safe and suitable and therefore compliant with paragraph 32 of the NPPF and policies DM20 and DM21 of the DM DPD. The local highway authority has supported the applicant's access strategy and pedestrian facilities proposed.

7.13 Sustainable Travel Mitigation

A proposal for a large car park does not, in isolation, represent sustainable development. Whilst the development is seeking to meet the existing parking demands of staff that travel by car, Officers in consultation with the highway authority, have expressed concerns that unless a robust Travel Plan (complete with sustainable transport measures) supports this car park proposal, that the development would simply encourage and overly-promote the use of the private car. This in turn would increase traffic and pollution, leading to wider social and environmental impacts and would conflict with national and local planning policy. There have been lengthy negotiations on this point. The application does now provides a number of sustainable measures/initiatives and supports public transport to limit the car park impacts. These are set out below and overleaf.

7.14 Cycle Provision

The proposal includes 12 additional cycle spaces adjacent to the MSCP and a further 24 cycle spaces within the visitor car park. There are 82 spaces already on site, the proposed represents an increase of approximately 43%. However, the overall provision within the RLI complex is considered below standard. As matters stand based on current cycle demands the proposed level of additional cycle provision is satisfactory, though the amount of cycle parking is likely to need to increase in future years. The commitments in the submitted summary Travel Plan will provide the mechanisms

to review cycle demands and parking provision in future years (through monitoring and reporting) as well as actively encouraging cycle use through a range of other initiatives.

7.15 *Electric charging facilities*

The proposal provides for 4 electric charging spaces, though no details are provided as to the type of charging points to be installed. Given the emerging shift in the motoring industry to promote electric vehicles, this is considered to be a low provision and does not accord with the expectations set out in the Council's planning advisory guidance note. Officers are in negotiations on this matter but are satisfied an appropriate level of provision can be secured by condition and that future needs can be accommodated through the Trust's Travel Plan.

7.16 *Public Transport*

Given that a significant proportion of the staff travelling to the hospital travel from the north, the application now includes a commitment to fund the Park and Ride bus services to provide a 15 minute service throughout the day, 6 days per week (as opposed to the current half-hourly service). The funding will be secured during the construction of the development and three years post opening of the MSCP. The Trust have also committed to a small contribution to improve safety and the bus stops within the Park and Ride site.

7.17 *Travel Plan*

The applicant has submitted a revised Travel Plan to bring together a range of measures and actions to encourage sustainable travel patterns at the hospital. It predominately focuses on staff but caters for patients and visitors too. The fundamental aim is to provide opportunities and encourage alternative sustainable travel options to reduce car use. The RLI recognises that despite their proposal for a large car park, a successful Travel Plan has environmental and health benefits which sits firmly alongside the Trust's wider role as a healthcare provider.

7.18 Aside from the measures already noted in this report, the Travel Plan commits the Trust to a number of initiatives such as setting up a Bicycle User Group, subsidising the cost of the Park and Ride bus services; liaising with bus operators for season tickets; promotion of car sharing initiatives; travel information, and appropriate charging regimes for car parking permitting.

7.19 The Travel Plan has set targets to reduce car trips from 76% (2015) to 70% by 2020 and 66% by 2025. Actions have been set out in the Travel Plan to help achieve these (and other) targets which includes monitoring and review. Overall, the revised Travel Plan is considered acceptable and meets the Highway Authority's submission criteria for a full Travel Plan. The Trust has also agreed to a contribution of £6,000 to secure professional support from the local highway authority to oversee and monitor the Travel Plan. The submitted Travel Plan must be an integral component of this car park to ensure the development does not over-promote the use of private car. The mitigation and initiatives set out therein would comply with the requirements of policy DM23 of the DM DPD.

7.20 *Residential Parking*

The Trust has also agreed to provide a contribution of £10,000 to the County Council to review and implement (if necessary) residential parking areas on surrounding streets close to the RLI site. Again, this is a matter of ensuring the proposal does not lead to traffic impacts. Those staff that currently park off-site should be encouraged to apply for parking permits in the new MSCP and not continue parking off-site. If residential parking areas are established this discourages the risk of this occurring.

7.21 Overall, it is accepted that the traffic impacts associated with the MSCP are a result of the re-distribution of traffic already on the network; that there are no capacity issues associated with the junctions off Ashton Road A588 with the private road to the MSCP or Ashton Road (unclassified); with mitigation the Pointer roundabout will operate within its theoretical capacity at the future year (and taking account of committee development); the access arrangements for all elements of the scheme are acceptable; the application includes a range of sustainable travel measures including cycle parking and electric charging points, physical improvements to provide new footways and pedestrian crossings and supports improvements to the park and ride service; and a contribution towards pedestrian and cycling improvements at the Pointer Roundabout. These measures collectively mitigate and limit the impacts of the car park proposal and are considered compliant with national and local highway related policy. The local highway authority do not object.

7.22 Design of the buildings

The design of the MSCP has been greatly influenced by its proximity to the adjacent Aldcliffe Yard development. This has led to the repositioning of the building on the site and the relocation of the nursery building, the stepped approach to the car park decks and the use and application of materials. The appearance of the building has improved from earlier iterations, with the massing broken up and articulated by the proposed facade treatment, which is a combination of timber-effect cladding panels laid in sections either vertically or horizontally broken up on some elevations with strong horizontal concrete ribbons and the two taller circulation towers. Overall the approach adopted is considered suitable and represents good design.

- 7.23 The nursery building is a modular building which is clearly suitable for its intended purpose. The external appearance takes reference from the Aldcliffe Yard development together with the proposed MSCP. The use of dark timber cladding, dark grey windows and doors, deep fascias and large overhangs represents in a more contemporary, high quality design and finish. This element of the scheme is also acceptable.
- 7.24 Cultural heritage
The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Similarly, section 72 requires that in the exercise of planning duties special attention shall be paid to the desirability of preserving and enhancing the character or appearance of conservation areas.
- 7.25 Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) and s72 of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the statutory presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give significant weight to the desirability to preserve the heritage asset. The key considerations in this case relate to the impact of the setting of Aldcliffe Conservation Area and the setting of listed buildings located at Aldcliffe Yard and the setting of Ripley St Thomas School. There is also potential for known archaeological interests associated with the formal railway platform.
- 7.26 The applicant has submitted a heritage assessment which despite some deficiencies is adequate to enable proper consideration of the impacts on adjacent designated heritage assets, to avoid conflict with paragraph 128 of the NPPF. DM DPD Policies DM30-32 are relevant here, namely development affecting listed buildings, conservation areas and the setting of designated heritage assets. The thrust of policy is to ensure that the development would not lead to significant harm. The proposed alterations to the visitor car park are judged not to impact on the setting of any designated heritage assets. The proposed nursery building, by virtue of its siting, design and scale, is also judged not to impact the setting of any designated heritage assets. The principal consideration relates to the impact of the MSCP on the historic environment.
- 7.27 In the case of Aldcliffe Yard (former waterworks site), it contains a group of Grade II listed structures including the Packet Boat House (c.1830), Basin Bridge (c.1797) and the Old Blacksmiths Shop and House (c.1800), whose boundary walls form the northwest boundary to the western part of the development are also considered curtilage listed. This complex was recently redeveloped for housing involving some new build properties and the conversion of the listed structures. The development has been successful in contributing positively to the Conservation Area as well as returning the listed buildings back into active use. The significance of the setting of the group of listed buildings is strongly linked and defined to the canal. The same applies to the Conservation Area – its setting is very much confined to the canal and the canalside buildings (both immediately on the canal and those facing the canal on Aldcliffe Road). The hospital site does not form a significant part of the setting of the Conservation Area or the listed waterworks site, though the backdrop of trees help frame the listed complex in views from the canal towpath and Basin Bridge. The MSCP has been altered considerably from the earlier proposals, with the building pushed as far back into the RLI site and the building stepped at its northern end to reduce the massing towards the Conservation Area and listed complex. The feature cladding is designed to reflect the materials, colour and verticality of the surrounding buildings and landscaped canal corridor.

- 7.28 This repositioning of the building and the gradual increase in height away from the conservation area means the building will now be seen in the context of the existing RLI built environment, sitting much closer to Medical Unit 2, which is a similarly large building (but not as tall as the MSCP). This does not mean it will not be seen – rather that it will not result in an unacceptable overbearing presence from the canal corridor. The trees along the north-western boundary between the site and Aldcliffe Yard are tall Ash trees which provide some screening and greening to the backdrop of the listed complex and the Conservation Area but they do not provide a dense tree belt buffer to prevent views of the development. It will be possible to capture views of the MSCP through the trees and over their canopies in certain locations and more so in winter months. This has been carefully considered resulting in the cladding purposefully not extending to the northern elevation. Adding the cladding to this elevation would only make the building more conspicuous.
- 7.29 Overall, whilst the MSCP will be visible from the canal and canalside buildings it is contended that the proposal would not lead to substantial harm to the significance of the setting of these designated heritage assets. But recognising the sheer scale of the building and its proximity to the listed complex, it is difficult to argue there is no impact at all, especially in relation to the views across the Conservation Area towards the listed buildings on Aldcliffe Yard. The existing backdrop to the listed buildings on Aldcliffe Yard when viewed from the east along the canal or on Aldcliffe Road is framed by the existing trees, but beyond it is relatively open (due to the surface level car park) with the large hospital buildings in the distance. The proposal retains the trees but results in the RLI complex extending closer to the boundary of the listed complex with a significantly large building that, by virtue of its purpose, does not reflect the contrasting small-scale intricate buildings along the canal. Views of the listed complex from the west side of the canal are already viewed with the backdrop of the main hospital complex. This is consequence of the change in levels between the western side of the complex to the far eastern side alongside Ashton Road. The MSCP will not be visible above existing utilitarian Trust buildings from Ashton Road. Subsequently, the level of impact is judged to be less than substantial. In accordance with policy DM32 of the DM DPD and paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal.
- 7.30 The setting of Ripley St Thomas school building (grade II) and chapel (grade II*) is very much confined to the school grounds. The proposed MSCP is positioned approximately 180m away from the listed school building and chapel and will be seen in context with the RLI site. The development will not impact the significance of the setting of this listed building, though some distant views of the chapel spire from the listed Basin Bridge and the canal will be obscured by the development. This would not lead to significant harm to the designated assets and has been improved and mitigated by the re-design of the MSCP.
- 7.31 In terms of archaeological interest, LAAS have considered the proposals in detail and have confirmed that the archaeological interests associated with the railway siding would not warrant preservation in situ at the expense of the development, nor would they recommend that the structure is dismantled and rebuilt elsewhere. An archaeological recording condition is recommended. The Civic Society have raised no objections on heritage grounds and support the preservation and re-use of the former platform masonry elsewhere in the district (as proposed). Whilst it is commendable of the applicant to try and preserve the stone and potentially re-use it elsewhere (not on the RLI site), this would not be a necessary planning requirement. The proposal is considered compliance with DM policy DM34 and paragraph 141 of the NPPF.
- 7.32 Residential Amenity
For clarity, residential amenity has been considered separately for each element of the proposal:
Visitor car park – the proposal does not result in any above ground development alongside neighbouring properties. The works comprise re-grading and re-surfacing of the car park to provide a more efficient layout and to create the additional spaces. The most affected properties are the end terraces to Railway Street (backing the site) and Boundary Road (flanking the site albeit separated by the road with some views to the front in the direction of the car park). The outlook from the rear of properties on Railway Street will not alter - the car park remains as existing immediately abutting the boundary wall. Immediately parallel to the side elevation of 2 Boundary Road the proposed alterations will provide an improvement with additional landscaping in this location and again their view over the site will very much remain a car park. In both cases, views from these properties will be altered by the loss of trees from this part of the site, which will have previously provided some greening to soften the expanse of car parking in this location. Whilst this has wider visual amenity impacts, it is not such that would significantly harm residential amenity.

The changes to the layout and the increase in parking spaces in this location would not lead to a material impacts in respect of noise and disturbance to these neighbours. External lighting proposals to the car park shall be conditioned to enable the positioning of lighting and the type of lighting would not lead to significant adverse impacts (above what currently exists as the car park is already illuminated). The link through to Railway Street already exists with the proposal simply improving this facility. This would not create additional impacts.

- 7.33 **MSCP** – the impact of the proposal on the neighbouring residential properties on Aldcliffe Yard has been the subject to much negotiation (pre-planning) in order to address previous concerns and to improve the relationship of the development to neighbouring property. The original scheme provided a similar number of parking spaces (733) over 5 floors. This was because it occupied a larger footprint and each deck had of the same floor area. The scheme now extends over 6 decks because of the staggered decks (i.e. floor areas of each deck reducing as the building gets taller) and the zig-zagged footprint. The MSCP has also be pushed back form earlier proposals resulting in the need to relocate the crèche. The revised layout, footprint and staggered design has enabled the interface distances between the development and neighbouring dwellings to be increased to an acceptable level. Below are the estimated interface distances at respective heights of the MSCP. Whilst the building is large, with these interface distances together with the retention of existing planting it is contended that the development would not lead to significant harmful impacts on the living conditions of these neighbouring residents and would not therefore conflict with paragraph 17 of the NPPF and policy DM 35 of the DM DPD.
- 7.34 The closest distance between the MSCP and the first few new build terraces (2-6 Aldcliffe Yard), which are parallel to the MSCP, measures approximately 32m. At this closest point the building is only 4.25m high. The highest part of the MSCP is approximately 55m away from these neighbours. The closest and lowest part of the MSCP is approximately 36m from 1 and 2 Aldcliffe Yard and around 50m from 5 and 7 Aldcliffe Yard and significantly further away from the highest part of the building; 8 and 10 Aldcliffe Yard are around 36m from the MSCP though the height is approximately 10m at their closest point; approximately 40m from 12 and 14 Aldcliffe Yard and approximately 50m from 16 and 18 Aldcliffe Yard (note – the MSCP is approximately 15m high at this point). The closest property to the MSCP is 9 Aldcliffe Yard which flanks the site. This property is orientated east- west so does not have its principal windows facing the development. This dwelling is approximately 22m from the lowest part of the development (4.5m). At approximately 26m separation the MSCP is 8m high and at approximately 45m separation the building reaches full height.
- 7.35 The MSCP does allow for a significant increase in the number of vehicle movements in this location which has resulted in neighbour concerns over increased noise, pollution and disturbance. Currently, there is an existing external staff car park that can operate 24 hours with little mitigation against associated car noise (engines running, doors banging, etc). Given the layout and design of the MSCP, the entrance and exit areas in relation to existing dwellings, shift patterns and times of peak usage, the existing use of the land, Environmental Health have judged it unlikely that the proposed development would cause unreasonable 'observed effect levels' in respect of noise. On this basis, the proposal is not contrary to policy DM35 of the DM DPD and paragraph 123 of the NPPF.
- 7.36 **Nursery** - whilst the development will be visible above the listed stone wall, it is not of significant scale to cause adverse visual impacts or adversely affect neighbouring outlook. The visual impacts are further mitigated by the retention and bolstering of landscaping along this boundary. The building fenestration is relatively inactive along the boundary with Aldcliffe Yard and the external spaces enclosed by acoustic fencing. The detailing of the acoustic fencing will need to be secured by condition. The nursery currently operates between the hours of 0730 and 1800. It is considered reasonable and necessary to ensure the use of this building is limited to a children's day nursery (as opposed to other D1 uses) and that the hours of use are limited to 0700–1900.
- 7.37 Landscaping and Ecology
There are many significant mature and early-mature individual trees and groups of trees within this site that make an important and measurable contribution to public amenity. The majority of trees are clearly visible from a range of public locations, contributing to the character and appearance of the site and that of the wider locality. Trees within the eastern car park provide greening and partial screening, helping to soften what would otherwise be a visually harsh and heavily-urbanised locality. The existing trees currently form an important buffer between the activities associated with the hospital site and wider public domain, principally the movement of vehicles and people. The proposal does result in the loss of all significant trees from the eastern car park. Some landscaping is

proposed as part of the alterations to the eastern car park but will not mitigate the extent of the losses proposed. This will have a negative impact on the visual amenity of the locality and is found contrary to policy DM29 of the DM DPD. This is a negative of the proposal and will need to be weighed against the scheme's benefits.

- 7.38 Trees along the north and western boundaries of the staff car park are proposed for retention with the boundaries of the site marked for additional landscaping. Whilst the trees are generally, in good overall condition, their long term sustainability is limited by the constraints presented by their restricted growing environment. Additional bolstering of planting is considered necessary in these locations, albeit carefully selected species and planting locations to minimise impacts to neighbours. The Canal and Rivers Trust have also emphasised the need for the boundary trees in these locations to be retained with additional landscaping, in order to secure the visual amenity and recreational qualities of the canal corridor. To secure these trees in the long term and any future landscaping in this location (because of their importance to screen the development and secure the setting of the canal), a new Tree Preservation Order is considered appropriate. In addition, if the proposal is supported, it will be necessary to secure details of tree protection, methods for working close to retained trees and appropriate landscaping details.
- 7.39 With regards to ecology, the principal issues relate to the impact on protected bat species and the loss of habitat (tree loss). The submitted assessments and survey efforts conclude the proposed eastern car park site (despite the loss of trees) is of negligible value for bats, likely due to the well-lit nature of the site. The western car park site is of more value given its proximity to the canal and the historical buildings on Aldcliffe Yard and they provide opportunity for enhancement. Overall there was minimal bat activity recorded on site, the most notable outside the site along the boundary with Aldcliffe Yard. Subsequently, there development is considered not to have any adverse impact upon the favourable conservation status of bats on site. Appropriate mitigation and enhancement can be provided including sensitive external lighting (to the western car park), the retention of trees along the northern and western boundaries of the MSCP, additional planting and the installation of bat boxes on retained trees. This can be controlled by condition.
- 7.40 Other Matters
An air quality assessment has been undertaken which concludes that the development will result in a daily increase of 111 trips through the AQMA. This is considered a modest increase and would have some impacts. Impacts should be avoided so mitigation will be necessary. As matters stand, the Travel Plan is not robust enough in relation to the commitment to actively encourage and manage staff/visitors to shift to electric vehicles. The provision of just 4 electric charging points is considered to be a token effort. The application also lacks specific details over the Electric Charging points and therefore requires further details to be provided, which should also include details of how future proofing the proposed car parks to deliver more EV points as the demand increases, which is inevitable in future years. For these reasons, Environmental Health has raised an objection. The impacts are not likely to lead to significant adverse impacts to warrant a refusal on air quality grounds but the level of mitigation not particularly compelling. If Members are minded to seek better EV charging provision on the site of both the staff and visitor carparks, this could be controlled by condition.
- 7.41 Construction during development has the potential to cause disruption to the local highway network and disturbance to residents. In most cases this impacts during construction are not material to the planning decision, and can be controlled by non-planning legislation (highway and environmental legislation). However, in this case there are potential implications as a consequence of the construction period as staff, visitors and patients will need to find alternative parking around the site. The applicant proposes to fund the Park and Ride in advance of construction and to encourage staff to use this facility, which greatly assists. Nevertheless, it is felt in this case that a construction and traffic management plan will be helpful in order to enable the local planning authority, in consultation with the highway authority, to assess the Trust's proposed management of parking and construction traffic/routing during construction works. The construction and traffic management plan can also ensure construction vehicles/routing avoid the listed Basin Bridge (a point raised by LAAS).
- 7.42 The site is in flood zone 1 in a heavily built-up part of the city. Given the scale of the development the application has been accompanied with a Flood Risk Assessment (FRA) which concludes that an appropriate drainage scheme should be designed in consultation with the Lead Flood Authority (LLFA). The LLFA do not object subject to the imposition of appropriate drainage conditions.

- 7.43 In relation to contamination, with the exception of the nursery, the proposed use of the land for a car park is not particularly sensitive and so an unforeseen contaminated land condition may have sufficed. However due to the sensitive end users of the nursery a suitable site investigation will need to be carried out to ensure the risks of contamination are addressed and if necessary remediated. This can be secured by condition and is deemed compliant with paragraph 120 of the NPPF.

8.0 Planning Obligations

- 8.1 To ensure the proposal does not over-promote the use of private car, which would be contrary to national and local transport/sustainability policy, the following measures have been agreed with the Trust and need to be secured via Section 106 legal agreement:
- Funding of 1 bus for the Park and Ride to support the needs of hospital users (staff and visitors) for the full construction period, followed by an additional three years post opening of the MSCP;
 - Pedestrian/cycle improvements to the Pointer Roundabout to the sum of £75,000;
 - Travel Plan support from LCC to the sum of £6,000;
 - £10,000 contribution for bus stop and safety improvements at the Park and Ride site; and,
 - £10,000 contribution for the review and the implementation of residential parking schemes (if necessary from the review) close to the hospital site.

9.0 Planning Balance and Conclusions

- 9.1 At the heart of the NPPF is the presumption in favour of sustainable development and in assessing proposals, decision-takers must be satisfied that the proposal represents a sustainable form of development acknowledging that there are three dimensions to sustainable development; economic, social and environmental.
- 9.2 The benefits of the proposal are clear – the development will enable the RLI to operate and manage more efficiently by providing a greater level of on-site staff parking to meet a greater proportion of the existing demand. Despite the MSCP being substantial in size/capacity it does not meet the current demand. To support the proposal and ensure the remaining parking demand is catered for sustainably (and does not lead to impacts) the Trust have committed to a Travel Plan including a number of sustainable transport initiatives and physical works. The improvements to the visitor car park will further support the Trust's aims to improve the visitor/patient experience, improve capacity at peak times, provide additional spaces for disabled motorists, better cater for cyclists and improve pedestrian safety between the car park and the main hospital complex. The RLI has a critical role in the community not only as an essential public healthcare provider for the region, but also as a major employer.
- 9.3 Turning to the impacts: the increase in traffic through the Pointer roundabout will have an effect on the efficiency of the junction, but with the appropriate mitigation set out in the submission, this traffic is not judged to have a severe impact. The design and layout of the MSCP has improved substantially since the original submission with the impacts on the designated heritage assets significant improved, though still having some limited adverse impacts. The MSCP is of considerable scale in contrast to the neighbouring dwellings and will have a sense of overbearingness, but not such that is judged to result in adverse residential amenity impacts. Finally, the loss of mature trees from the eastern car park is judged to adversely affect the visual amenities of the locality and despite some proposed landscaping this would not provide sufficient mitigation.
- 9.4 It is for the decision taker to consider the above material considerations and weigh the benefits against the impacts in the overall planning balance. In this case, it is considered that the proposal represents necessary parking infrastructure that is supported by essential sustainable transport improvements too. This should provide opportunities for the RLI to operate more efficiently to support existing and future healthcare needs for the district. This public benefit carries significant weight and in your officers opinions' outweighs the localised impacts to the visual amenity around Ashton Road through the loss of trees and the limited impact to the backdrop and views over the conservation area towards the listed buildings on Aldcliffe Yard. Members are recommended that permission can be granted.

Recommendation

That Planning Permission **BE GRANTED** subject to a legal agreement to secure those items listed in section 8 of the report and the following conditions:

1. Time limit
2. Approved plans

Pre-commencement

3. Construction and traffic management plan
4. Tree Protection Plan and AMS
5. Surface water drainage condition
6. Archaeological recording condition
7. Scheme for all off-site highway works covering the required mitigation to the Pointer roundabout and all other works specified in the submitted, including phasing plan
8. Phasing plan to be provided
9. Site Investigation
10. Details of electric vehicle charging points (number, type and location) and provision for additional cabling for future EV points to be agreed.

Before above ground works

11. External lighting details to be agreed
12. Details of boundary treatments/enclosures
13. Landscaping to be agreed based on landscape strategy plans and ecology recommendations
14. MSCP details – cladding system (including mesh); window details, lighting; concrete finish
15. Nursery details – roofing details (materials, fascias and rainwater goods); cladding details (timber effect cladding and feature panel to main entrance); acoustic fencing.
16. Cycle parking shall be covered and secure – details to be agreed – then provided and retained
17. Scheme for security and crime prevention measures to be agreed and implemented.

Pre-use/occupation of development

18. Full Travel Plan to be provided before first use
19. Surface water drainage management and maintenance condition
20. Car Park management plan
21. Ecology Mitigation – bat lighting strategy/bat boxes to retained retains

Control

22. All access/egress points indicated on the approved plans to be provided in full before first use
23. Oil Interceptors
24. Occupation and use of the crèche limited to D1 nursery use only
25. Parking and drop off to be provided for the D1 use and retained at all times
26. Hours of use D1 nursery

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

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

Background Papers

None.

Agenda Item A6	Committee Date 16 October 2017	Application Number 17/00770/RCN
Application Site 23-25 North Road Lancaster Lancashire LA1 1NS	Proposal Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions (pursuant to the removal of condition 18 on planning permission 16/00274/FUL to remove the need to undertake pre-occupation noise monitoring)	
Name of Applicant Mr Trevor Bargh	Name of Agent Mr Richard Barton	
Decision Target Date 26 September 2017	Reason For Delay Committee Cycle /Officer Workload	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval – Subject to the amended wording of condition 18	

1.0 The Site and its Surroundings

- 1.1 The site is located on the northern fringes of Lancaster City Centre in the Waring and Gillow's Showroom building, which is a 19th Century Grade II listed building of coursed, dressed sandstone with ashlar dressings. Its original use was as furniture showrooms and offices constructed in 1882 and altered in the 20th Century, and was in active use for furniture sales and manufacture until its closure in 1962. Until recently the property accommodated the Livingwoods furniture store, however, since the application was last presented to Committee in December 2016 they have sought alternative premises. The premises have also been used recently as a nightclub and bar (in a number of different guises). The site is located to the east of North Road and is bound by other buildings to the north-east (including The Yorkshire House pub) and a further building to the south west. To the east lies the Sugarhouse Nightclub and beyond this the Grade II Listed St Leonards House. To the west is North Road with a car park beyond this.
- 1.2 The proposal sits within the Lancaster Conservation Area (Canal Corridor North character area) and within the Central Lancaster Heritage Action Zone, and the Gillows building is Grade II Listed. The site falls within Flood Zone 2 and sits within the Lancaster Air Quality Management Area.

2.0 The Proposal

- 2.1 A proposal for the phased change of use of the Grade II Listed Waring and Gillow's Showroom to student accommodation was approved by the Planning Committee on 12 December 2016. Whilst the development has yet to commence, the applicant is applying to remove condition 18 attached to

planning permission 16/00274/FUL. This condition relates to pre-occupation noise monitoring to ensure the approved acoustic mitigation measures meet the anticipated standards.

- 2.2 The applicant has stated that the condition does not meet the relevant tests as set out at Paragraph 206 of the National Planning Policy Framework (NPPF), and is limiting the ability of the development to attract bank funding. The application therefore argues that as a consequence the applicant cannot proceed with the development approved. In addition to the current planning application, the applicant has lodged an appeal with the Planning Inspectorate against the imposition of condition 18 on the extant planning consent (16/00274/FUL). The applicant has requested that the appeal is determined by means of Public Inquiry and an application for costs has been made as part of the appeal process. Whilst the appeal has been lodged, at the time of writing this report, the start letter (from the Planning Inspectorate) has yet to be received by the Local Planning Authority. Therefore there is, as yet, no confirmation of the dates of this appeal or the appeal method.

3.0 Site History

- 3.1 The relevant site history is noted as below:

Application Number	Proposal	Decision
16/00274/FUL	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions	Approved
16/00275/LB	Listed building application for internal and external alterations to facilitate the phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising 32 studios, one 3-bed, two 5-bed cluster flats (C3), four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) and gym area, erection of two 2-storey rear extensions and demolition of existing rear extensions	Approved

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	<p>Initially objected to the removal of the condition. The rationale for the inclusion of condition 18 was that in this particular case, due to the design of the development and the extensive use of glazing at its technical limit in controlling low frequency sound, this necessitated the inclusion of condition 18.</p> <p>Following further consideration (and in light of the legal opinion and the amended condition proposed), No Objection is raised. Whilst this amended condition is not what Environmental Health initially intended (which was to ensure that acceptable sound levels were achieved) they believe that the re-worded condition will offer a satisfactory level of control and reassurance that the internal sound limits can be controlled to acceptable levels.</p>
Lancaster University Students Union	<p>Object to the removal of the condition:</p> <ul style="list-style-type: none"> The condition was previously considered to pass the relevant tests; Pre-occupation conditions are utilised in the case of Manchester; and The pre-occupation noise monitoring condition enables the Council to enforce that compliance in what all parties have conceded to be a complex and difficult case. The Manchester guidance endorses a pre-occupation monitoring condition and on this basis LUSU consider that the application be refused.

5.0 Neighbour Representations

- 5.1 To date there has been **589** letters of objection received based predominantly on the following reasons::
- Unacceptable risk to student welfare, and may lead to complaints arising from the future occupiers of the building;
 - The loss of the Sugarhouse would negatively impact on the offering made by the University;
 - There is already a decline in the pubs and clubs in the city;
 - Casts doubts as to whether the developer can truly develop the building to the required standards; and,
 - It was resolved previously to include the planning condition and therefore the condition should not be removed.
- 5.2 Councillor Lucy Atkinson objects to the removal of the condition given the condition safeguarded the operation of the Sugarhouse.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 12 and 14 – Presumption in favour of Sustainable Development
 Paragraph 17 – Core Principles
 Paragraphs 56, 58, 61, 64 – Good Design
 Paragraph 69 – Promoting healthy communities
 Paragraph 123 - Noise
 Paragraph 203-206– Use of Planning Conditions

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 Draft Strategic Policies and Land Allocations DPD

EN3 – Central Lancaster Heritage Action Zone

6.4 Development Management DPD

DM35 – Key Design Principles
DM46 – Accommodation for Students
Appendix D – Purpose Built and Converted Shared Accommodation
Appendix F- Studio Accommodation

6.5 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Quality in Design

6.6 Other Material Considerations

Noise Policy Statement for England
National Planning Practice Guidance
BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings
World Health Organisation: Guideline for Community Noise
NANR45 Low Frequency Noise Criteria
Manchester City Council Noise Guideline
Professional Practice Guidance on Planning and Noise (May 2017)

7.0 Comment and Analysis

7.0.1 The key considerations arising from this proposal are noise, amenity and the imposition of planning conditions that meet the tests set out in the National Planning Policy Framework.

7.1 Background to the application

7.1.1 Planning permission was granted on 27 February 2017 for the phased change of use of the Waring and Gillow's building to student accommodation. A number of conditions were imposed on the consent, including two in relation to noise (conditions 17 and 18):

17: The building should be constructed in accordance with the specification as contained within PDA's Noise Report ECE/8885/2011/03 and shall provide sound insulation against externally generated noise so as not to exceed 47dB Leq at 63Hz and 41dB Leq at 125Hz within bedrooms and 52dB Leq at 63Hz and 46dB Leq at 125 Hz within living rooms with windows shut and other means of ventilation provided.

18: To ensure that the predicted noise levels are achieved within the living and bedroom areas of the building for each phase of the development (identified as phase 1 and 2 on the approved plans), pre-occupation noise monitoring shall be undertaken within the building in accordance with a methodology to be agreed with the local planning authority, and no occupation of the building for each phase shall occur until such time the pre-occupation monitoring has been submitted to, and approved in writing by the local planning authority. In the event the scheme exceeds the predicted noise levels as contained within condition 17, details of improved acoustic mitigation shall be agreed in writing with the local planning authority, with the approved details installed prior to further monitoring. Each phase of the building shall only be occupied when the local planning authority is satisfied that the development meets the requirements of the condition 17.

7.1.2 The applicant is not wishing to vary condition 17, but requests that condition 18 is removed. Condition 17 essentially sets out the limits and the works (such as the glazing specifications as documented in the applicant's noise assessment) that are required to enable the noise limits to be met. Condition 18 was imposed as a result of the development being on the limit of technical capability. Whilst there was confidence that the scheme could work from a noise perspective it was considered in this instance there was exceptional circumstances to include condition 18.

7.1.3 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The National Planning Practice Guide (NPPG) expands on this and states that conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of

reasonableness. The guidance also states that conditions can enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission. This planning application is made under Section 73 of the Town and Country Planning Act, and the effect of this application would be the granting of a new planning permission (or a refusal), sitting alongside the original permission, which would remain intact and un-amended.

- 7.1.4 Noise was examined in significant detail during the application process for planning permission 16/00274/FUL and also within the report to Planning Committee. Whilst no objection was eventually raised by the Council's Environmental Health Officer this was on the proviso that a pre-occupation condition was attached to any successful grant of planning permission. The scheme was presented to Planning Committee on 12 December 2016 and the recommendation was supported by Members.

7.2 Case for the Applicant

- 7.2.1 The applicant considers the condition is not necessary as condition 17 fulfils the role of ensuring that the noise limits are met, which is a tried and tested approach. They also raise concerns that there is no policy basis for requesting the condition (given that the Local Planning Authority sought to utilise guidance from Manchester City Council).

- 7.2.2 The applicant had raised concern with the use of a pre-occupation condition during the application process, but did not raise the issue when the report to Committee was published (which included the condition), nor during Committee (oral) presentations. As part of the submitted supporting information the applicant has provided two letters from lending institutions to demonstrate that funding the scheme with condition 18 in place is not deliverable and that the condition has prevented bank funding. These letters do indeed state this, although they also highlight that condition 17 presents a similar issue to them funding the scheme (but the applicant is not applying to remove this condition). Notwithstanding this, Officers have no reason to dispute the contents of the supporting letters from the lending institutions. Financial constraints on the viability of a development are capable of being a material consideration in the determination of planning applications and some weight are attached to these.

- 7.2.3 The applicant contends that it would not be appropriate to include a pre-occupation planning condition. Manchester City Council guidance (which the Local Planning Authority used in determining this planning application) advocates the use of pre-occupation conditions. The Case Officer has discussed the issue with Manchester City Council and they have stated that where there are complex noise issues (such as in the case of low frequency noise) it is likely that post completion testing and reporting will be required. It is worthy of note that one of the letters received from one of the lending institutions discusses the potential for a completion certificate to be issued to demonstrate that all the mitigation works have been carried out.

7.3 Case for Objectors, including Lancaster University Students Union (LUSU)

- 7.3.1 LUSU and many of Lancaster University students are understandably concerned regarding this planning application and maintain that the condition is required to protect the interests of the Sugarhouse Nightclub, together with the health and wellbeing of the students. The principal condition (condition 17) sets out the noise limits that need to be met, and the applicant has stated that they have no reservations with how this condition is worded (this is the condition which protects the amenity of future occupiers). As with the previous application there have been hundreds of objections lodged (predominately by members of the students union) concerned that this development could jeopardise the future vitality of the Sugarhouse Nightclub. The concerns were given considerable weight in the determination of the previous application, and the same applies here.

- 7.3.2 LUSU considers that the condition was necessary, reasonable and an effective means of ensuring the noise impacts of the proposed development are mitigated. The student union also considers, in the absence of a deed of easement, that the condition was evidently considered to be necessary and reasonable. LUSU has stated that they are not opposed to positive regeneration in the city centre (this is good for the city and also for students), but this cannot be at the expense of a well-established business that has long contributed to Lancaster's night-time economy and is vital to the ongoing success of the University.

7.4 Consideration by the Local Planning Authority and Counsel Opinion

7.4.1 The original planning application was, as Members will recall, a contentious one to determine, with a number of technical reports informing the recommendation. The issue of noise was central to the application, and was a borderline issue. Aside from the statutory consultees, officers sought advice from independent noise consultants. Additionally, officers also enlisted a multi-agency consultancy to review the Council's approach to testing the noise assessment (akin to an audit of the process). The planning decision as therefore reached following a detailed and logical process. Since the receipt of the current application (and the planning appeal), Officers considered that it would be prudent to seek Counsel's opinion regarding the merits of the applicant's submissions (to remove condition 18). The legal advice that was sought centred on whether condition 18 met the relevant tests contained in the NPPF. Advice was taken from Mr Anthony Gill at Kings Chambers (August 2017) and therefore significant weight has to be attached to this advice.

7.4.2 Counsel's opinion has highlighted that whilst condition 18 may not be '*Wednesbury unreasonable*' (which is case law that sets out the standard of unreasonableness) it could still be considered contrary to the guidance within the NPPG, in imposing an unjustifiable or disproportionate financial burden on the applicant, as the development could result in a scheme that is unusable. Officers note this advice, though are mindful that the same could be said of condition 17. The below table is an extract from the NPPG's Key Questions document:

Test	Key Questions
Relevant to the development to be permitted	<ul style="list-style-type: none"> Does the condition fairly and reasonably relate to the development to be permitted? It is not sufficient that a condition is related to planning objectives: it must also be justified by the nature or impact of the development permitted. A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.

7.4.3 It is considered that the condition meets the first two criteria as noted above, but due to the nature of the Sugarhouse and its operations there is an argument to suggest that the condition is imposed to remedy a pre-existing issue, and therefore the condition is, at least in part, not relevant to the development permitted. This is a point that has been highlighted via Counsel's opinion.

7.4.4 The Local Planning Authority looks to work proactively with applicants and agents on all development matters, but it could be said that rather than imposing the pre-occupation condition, Officers could have recommended refusal of the scheme given the uncertainty with respect to noise. Notwithstanding this, NPPG is clear that Local Planning Authorities should look for solutions rather than problems, and furthermore guidance is clear that planning conditions can be used to allow development proposals to proceed where it would have been otherwise necessary to refuse planning permission. Therefore, it is considered that Officers took a pragmatic view given the scheme would bring a significant Listed Building back into use and this weighed heavy in the planning balance. However that balance also concluded, as a result of the technical reports, that noise would not cause a loss of amenity for future occupiers of the units.

7.4.5 Officers can fully understand the concerns raised by LUSU. The Sugarhouse is a very popular venue with Lancaster University students. The fact that the University has very recently been named as the University of the Year by the Times and the Sunday Times Good University Guide 2018 only serves as a reminder as to the substantial contribution that University life brings to the city. Notwithstanding the objections to the planning application, the original Committee Report noted that the neighbouring land uses do have a part to play in ensuring that their use of their land does not compromise local or residential amenity. In other words, the Sugarhouse has a role to play in mitigating its noise emissions. What has to be stressed, however, is that there is nothing currently before Officers to state that the noise limits set out cannot be achieved.

7.4.6 The Environmental Health Officer initially objected to the removal of the planning condition (this was prior to Counsel's Opinion and the suggested re-worded planning condition). They now consider that the amended condition will offer a satisfactory level of control and re-assurance that the internal noise limits can be achieved. No objection is now raised. Counsel acknowledged that the Local

Planning Authority worked proactively with the developer to try to find a solution to the issue (as national planning guidance expects it to do), and it is considered that as part of this application the same approach has been taken.

7.4.7 The situation is no less difficult than it was in December 2016. However Counsel's Opinion persuades the local planning authority that the status quo – the imposition of condition 18 - is not a viable option. As a consequence, rather than accepting the removal of condition 18, Officers have been working to see if a different style of condition may still offer some post-completion recording that would be capable of meeting the 6 tests, and would be capable of surviving challenge from either party. Officers have been in discussions with Manchester City Council, who utilise a similar planning condition to that which is now recommended to Members. This condition is also consistent with the advice contained within one of the lending institution letters submitted by the applicant. The condition requires a report/certification to be provided to ensure that the measures stipulated within the applicant's noise report are carried out. What it doesn't do is require pre-occupation noise monitoring or require improved acoustic mitigation if the noise levels exceed those set out in condition 17. However the effect of the proposed new Condition 18 would be to prevent occupation until the post-completion report has been approved. Like any planning condition, if a development breaches the matters that are conditioned, then a Breach of Condition notice can be considered to ensure compliance with the condition.

7.4.8 The applicant is amenable to such a condition being attached to any planning permission.

7.5 Other Issues

7.5.1 Members may be aware that a nearby building (St Leonard's House) was granted planning permission earlier this year (Ref: 16/01155/FUL), with the same condition imposed that is the subject of this Section 73 application. The methodology for undertaking the pre-occupation monitoring has been agreed between the parties and the condition was partially discharged in July 2017. The development at St Leonard's House has yet to commence. However, they are very different projects insofar as the St Leonard's application is a change of use application, as opposed to the Gillow's development which involves a significant new glass rear façade.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Noise is a complex matter, and it is fair to suggest that Members faced a challenging decision on the original application in December 2016. However, the decision taken was based on no objection from Environmental Health Officers, an independent review by consultants and an audit of the process by a different consultancy. Two conditions to control noise (17 and 18) were imposed. Counsel's opinion has been sought in relation to the current application, and this opinion demonstrates that whilst condition 18 may not be Wednesbury unreasonable, it does appear to impose an unjustifiable or disproportionate financial burden on the applicant. The applicant's lending institution letters echoes this stance. So whilst condition 18 cannot survive in its current form on this particular scheme, it is proposed to vary the condition to require a post-completion report to ensure that the mitigation works as documented in the approved noise report are carried out. Liaison has occurred with the applicant's agent in terms of devising a condition that gives some comfort that the variation of the condition will be reasonable, and agreement has been reached. Given the circumstances of the case as defined by Counsel's Opinion, it is recommended that condition 18 be varied (but all other planning conditions, including condition 17 relating to noise limits) remain.

Recommendation

That condition 18 on planning permission 16/00274/FUL **BE VARIED** as follows (all other conditions shall remain in force as imposed on planning permission 16/00274/FUL):

18. No part of the development hereby permitted shall be occupied or brought into use until a post-completion report has been submitted to, and approved in writing by, the Local Planning Authority that evidences and confirms that all of the works set out in the approved noise report (PDA Noise Report ECE/8885/2011/03) have been fully and appropriately installed.

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	Committee Date	Application Number
A7	16 October 2017	17/00723/OUT
Application Site Land North Of Rectory Gardens Lancaster Road Cockerham Lancashire	Proposal Outline application for the erection of 18 dwellings and creation of a new access	
Name of Applicant Messrs Kirkby & Sherrington	Name of Agent Mr Avnish Panchal	
Decision Target Date 23 October 2017	Reason For Delay N/A	
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 north of the village of Cockerham, approximately 0.45km to the north of the village primary school (Cockerham Parochial School) and it occupies a rectangular parcel of land covering 1.3 hectares. There are no buildings on the application site, however there is a farm building to the north-eastern corner of the plot (within the applicant's control). The site benefits from a mature hedgerow along the eastern boundary of the site with Lancaster Road together with trees that are located on the western boundary of the site. To the north are fields and to the south lies a stockproof fence beyond which there is a road and residential dwellings on Rectory Gardens. The site rises to the west and is approximately 20 metres Above Ordnance Datum (AOD) and its lowest part adjacent to Lancaster Road rising to 26 metres AOD on the western extent of the site.
- 1.2 The site is largely unconstrained, however there is a public right of way that runs along the western boundary of the site (footpath 10). The Old Rectory is a Grade II listed building located approximately 30 metres to the south of the site. There are a number of trees particularly to the south of the site which have recently been the subject of Tree Preservation Order No.620 (2017). The site is located within an Aerodrome Safeguarding Area and is allocated as countryside area in the Local Plan.

2.0 The Proposal

- 2.1 The scheme proposes the erection of 18 residential dwellings together with the creation of a new access off Lancaster Road. The scheme is in outline form and only the means of access is being applied for, however the applicant has submitted an illustrative layout in support of the scheme which shows an inherently outward-facing layout with residential units facing Lancaster Road. The scheme also proposes a potential rights of way connection, together with open space and landscaping.
- 2.2 A new access is proposed to the north of the current Rectory Gardens access and visibility splays in the region of 4.5m x 111m to the north, and 4.5m x 90m to the south are proposed. A 5.5 metre wide road with 6 metre kerb radii is proposed into the site, with 2 metre footways to the north and south. To create the sites means of access there will be a need to remove 22 metres of hedgerow to facilitate the required visibility splays.

3.0 Site History

3.1 There is no relevant planning history.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No Objection on the basis of off-site highway works to include; <ul style="list-style-type: none"> • Visibility splays being delivered; • A review of street lighting; • Gateway treatment measures on the approach to the village (including road markings) • Two-metre footway along the sites frontage; • Ensuring a connection from the site to the public right of way to the west of the site and the creation of pavement at the junction of the A588/B5272. Other conditions relating to construction are also requested.
Cockerham Parish Council	No Objection , however the Parish Council have asked for a pull-in layby and covered bus stop for village use.
Contaminated Land Officer	No Objection , however has concerns with the content of some of the recommendations made within the report and therefore recommending conditions.
Lead Local Flood Authority	No observations received within the statutory timescales.
County Council Public Rights of Way	No Objection.
Ramblers Association	No Objection and recommends that links advocated by the applicant are secured by planning condition.
Public Realm Officer	Recommends that amenity space is provided on site together with a financial contribution of £55,639 is secured (subject to need).
Tree Protection Officer	Initially objected, however assuming an amended Arboricultural Implications Assessment is submitted to reflect that ground levels within root protection areas will remain the same; root-friendly materials and methods of construction will be used;; and that only 22m of the hedgerow along the frontage will be removed to facilitate the access, then No objection is raised. An amended AIA was received on the Committee Report deadline and therefore a verbal update will follow.
Natural England	No Objection.
Greater Manchester Ecology Unit	No Objection - recommends a condition to protect Great Created Newts; a scheme for replacement and management of the boundary hedgerow and trees; vegetation clearance not to be undertaken during bird breeding seasons unless a competent ecologist has inspected the site, and a biodiversity plan.
United Utilities	No Objection , recommends that foul and surface water is drained on separate systems and that a scheme for surface water is conditioned.
Lancashire Archaeological Advisory Service	No Objection however recommends a condition regarding a programme of archaeological work.
Strategic Housing Officer	No Objection , however recommends that 3 x 2 bedroom affordable rented properties and 4 x 3 bedroom shared ownership properties are secured by Section 106 Agreement.
Lancashire County Council Education	No Objection , however recommends a financial contribution of £42,846.54 towards the provision of 2 secondary school places. No contribution is being sought towards primary school provision.
Conservation Officer	No Objection , however materials and architectural forms used within the proposed development should take influence from the historic buildings found within the village.
Black Watch Parachute Centre	No observations received within the statutory timescales.

5.0 Neighbour Representations

- 5.1 The application has been advertised in the press, by site notice and adjoining residents notified by letter. To date there has been **two** letters of objection;
- No need for additional dwellings within the village;
 - Concerns over the creation of the new estate road and concerns over the fast moving speeds along Lancaster Road;
 - Attractive setting of the site and concerns that this development could destroy the quality and character of the village;
 - Wish to understand that affordable houses will be provided as part of this application; and,
 - Ecological concerns.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
 Paragraph 32, 34 and 38 - Access and Transport
 Paragraphs 49, 50 and 55 - Delivering Housing
 Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
 Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
 Paragraph 103 – Flooding
 Paragraphs 109, 115,117,118 – Conserving the Natural Environment
 Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
 Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Local Planning Policy Overview

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

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

E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM26 – Open Space, Sports and Recreational Facilities

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM29 – Protection of Trees, Hedgerows and Woodland

DM30 – Development affecting Listed Buildings

DM32 – The Setting of Designated Heritage Assets

DM35 – Key Design Principles

DM38 – Development and Flood Risk

DM39 – Surface Water Run-off and Sustainable Drainage

DM41 – New Residential dwellings

DM42 – Managing Rural Housing Growth

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).

7.0 Comment and Analysis

7.0.1 The main issues arising from this application include the following matters;

- Principle of the Development;
- Layout and Design;
- Highways;
- Drainage Matters;
- Landscape;
- Cultural Heritage;
- Open Space and Education; and,
- Other Matters.

7.1 Principle of Development

7.1.1 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD and is a village in principle where sustainable housing will be supported. Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development; and,
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.1.2 The proposal is on the northern fringes of the village, however there are properties to the south of the site, and along Lancaster Road to the east. It is therefore considered that the site is well related to the built form of Cockerham. The village has seen a number of planning applications approved in recent years; namely the Village Road development which has now been built out for 17 houses (13/01018/FUL) and the 36 units approved on land off Marsh Lane (16/00494/OUT and 15/00587/OUT). The approval of this planning application does need to be considered in the context of what has been previously approved, however there is no guarantee or certainty that the Marsh Lane development will come forward for development (no reserved matters application has yet been submitted). Officers consider that even taking account the approved schemes, this scheme is capable of being of a scale and character appropriate to the settlement, and is capable of being able to demonstrate high quality design. Whilst there have been reservations raised by local residents, it is considered that the development complies with the requirements of Policy DM42 of the Development Management DPD.

7.1.3 The scheme seeks to provide 40% affordable housing, equating to 7 units and is therefore a significant benefit of the scheme (and subsequently afforded considerable weight in the planning balancing exercise). The applicant is amenable to entering into a Section 106 to secure this. It has been suggested by the local community that there is no need for additional housing in the village, however given the 5 year housing land supply position (such that the authority cannot demonstrate a deliverable 5 year housing land supply), and the government's commitment to significantly boost housing, it is considered that this position would not be a sustainable argument at appeal.

7.2 Layout and Design

7.2.1 Layout is not being applied for, however the applicant has submitted an indicative layout in support of the scheme. The layout consists of 4 residential dwellings fronting the main highway with the remainder of those in a crescent shape taking advantage of the views to the east. The layout is logical, but could be improved further at reserved matters stage should Members determine to support the scheme. It is considered that plot 1 requires some re-consideration given its relationship with a protected tree (the same is true for plots 6 and 7). Notwithstanding the illustrative nature of the plans there is confidence that a high quality scheme can be delivered here.

7.2.2 There is an existing farm building located to the east of the site, which is still in active use and this building is within the ownership of the applicant. The building is not included within the development area (red edge) of this application. Should Members support the outline scheme the future relationship with the agricultural building will be an important consideration at the detailed reserved matters stage. However given only 18 units are proposed across the 1.3 hectares (therefore low density) there is confidence that the scheme can co-exist with the applicant's existing farm buildings.

7.3 Highways

7.3.1 The local bus service is at risk, (although the service continues to run on a 90 minute service). It is a service that operates from Lancaster to Knott End and is operated by Kirkby Lonsdale Coaches on behalf of Lancashire County Council. It is understood that the bus service (89/89H) is a service that is to be retained, however for how long and in what form remains unclear. County Highways (on planning permission 16/00494/OUT) requested a Section 106 contribution was made towards the operation of the bus service. Officers note that the same request has not been made on this application, however in the circumstances it is considered appropriate to seek this contribution, with the final value to be established at reserved matters stage. The applicant's agent is amenable to this being secured by means of legal agreement.

7.3.2 The County Council raise no objections to the development either on highway safety or capacity grounds. They do however suggest conditions associated with street lighting at the site's points of access with Lancaster Road, improvements to the gateway features to the village and ensuring the footway from the site is 2 metres in width, together with a short length of footpath at the junction of the A588/B5272 to facilitate pedestrian movement to the village. These works are acceptable to the applicant and are considered reasonable in nature and scale. County have suggested that there should be a link from the site directly to the public right of way located to the west of the site. The applicant's submission shows this route, however this would cross third party land and therefore would not be achievable in the form of the current alignment. There are a number of public rights of way within the vicinity of the site and it is considered that there would be benefit in ensuring a

connection can be made to footpath 10. It is considered that a connection maybe possible (60 metres further to the north within the applicants control) and officers will seek to discuss this further with the applicants between now, and the committee meeting, and members will be informed verbally of the position.

- 7.3.3 The northbound village bus stop was relocated as part of the package of works associated with the approval of the Village Road development and the new northbound bus stop does not have a bus shelter associated with it. The reason for the lack of the shelter is that the footway width is not wide enough to accommodate one. The Parish Council raise no objection, but request the bus shelter. There is a strong argument that a further 18 properties within the village will increase the use of the bus stop, however given the footway width it is not considered reasonable in this instance, but the issue will be highlighted to the County Council as highways authority.

7.4 Drainage Matters

- 7.4.1 Concern has been raised that development of this site will bring about flooding elsewhere in Cockerham. The site lies wholly in Flood Zone 1 (which is the least susceptible area to flooding and a location where local authorities would generally be supportive of new homes). The application is supported by a Flood Risk Assessment which concludes that the site could be drained of surface water via the positioning of the soakaways in public open space (located to the east of the site) and also the possibility of individual soakaways in the rear gardens. The views of the Lead Local Flood Authority have been sought, however no response has been received within the statutory timescales. There is nothing before Officers to conclude that the site cannot be drained effectively. No objection has been received from United Utilities. With respect to foul water it is anticipated that foul sewers in the area have capacity to accept foul flows from the site which would be in the region of 0.8 l/s. Conditions have been recommended to address foul water arrangements, surface water drainage arrangements and the surface water maintenance programme.

7.5 Landscape

- 7.5.1 The site rises to the west, and views into the site can be seen from motorists travelling along Lancaster Road, but also walkers utilising the public right of way which travels north to south. The site does have landscape value, especially when approaching the village from the north where there are quite extensive views of the site with the tree-lined backdrop and views towards the Old Rectory. Given the elevated nature of the site, it is likely properties would be sited on higher ground than the surrounding road level. Assuming good design can be achieved, this is acceptable. There is however concern for the rear boundary treatment to these properties. If this was close boarded fencing this would be suburban and feel out of context with the village. A more preferable solution would be a living fence or stone wall. Neighbour concerns are duly noted and whilst there would be a change from open countryside land to housing land, it is not considered that the impacts would be so harmful to warrant refusal of this planning application. Therefore the impact on the landscape attracts moderate weight in the planning balance exercise.

7.6 Cultural Heritage

- 7.6.1 The development boundary is located approximately 30m to the north of the Old Rectory which is a Grade II listed building which is a former vicarage of 1843 (now residential accommodation). The setting of this building has been somewhat undermined by the development which forms Rectory Gardens. Given this, it is not considered that the proposed development will pose any further detriment to the setting of the building. The Conservation Officer has no objections to the scheme. Lancashire Archaeological Advisory Service comment that there remains a potential that there could be buried roman coins given the presence of the main Roman Road which runs north to Lancaster. A condition is recommended which requires a programme of archaeological work. Given this it is considered that the scheme complies with Policies DM30 and DM32 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, it is considered that the nearby heritage assets would be preserved on the basis of a scheme to be assessed at reserved matters stage.

7.7 Open Space and Education Provision

- 7.7.1 The County Council as Education Authority have requested a financial contribution for two secondary school places and it is essential that new development does provide for related

infrastructure and this includes the provision of education. The applicant is amenable to the contributions requested, and can be controlled by a legal agreement and the figure will be re-visited at reserved matters when the number of units and bedrooms are fully known.

- 7.72 There is a need to provide open space on the site and this amounts to 334m² of amenity space. It is considered that the site can accommodate this figure. An off-site financial contribution of £53,639 (Children's Play Area - £23,850, Young People's Facilities - £9,540 and Outdoor Sports Facilities - £20,249) has been requested but this is entirely subject to the needs of the village. The applicant is amenable to this being re-considered at reserved matters stage. Officers would advocate that the applicant should commence dialogue with the Parish Council to establish local recreation needs. The matter will be considered in detail at any future reserved matters stage.

7.8 Other Matters

- 7.8.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres will not be permitted. The Black Watch Parachute Centre have been consulted and to date have not provided any response to the scheme. It is considered that the principle of development would not pose a danger to aircraft or parachutists, and in any event the group would be consulted on the detail at the reserved matters stage.
- 7.8.2 Some concerns have been expressed by the local authorities Contaminated Land Officer. However it is considered that a contaminated land study can be controlled by means of planning condition. An air quality assessment has been submitted as part of the planning application, and whilst Environmental Health have yet to comment on the application, it is considered appropriate to require electric vehicle charging points to be controlled by means of planning condition.
- 7.8.3 The application is supported by an ecological appraisal and the Council's advisors (Greater Manchester Ecological Unit) have no objections subject to planning conditions associated with reasonable avoidance measures to protect Great Crested Newts; avoiding works to trees and hedgerows during bird breeding season and a landscaping and biodiversity enhancement measures condition. The Councils Tree Protection Officer initially had concerns with the proposal however through dialogue with the applicant's agent an amended Arboricultural Implications Assessment (AIA) has been received (on the day of the Committee report deadline). The observations of the Tree Protection Officer will be shared with members verbally but it is hoped that this amended AIA will remove the objection.

8.0 Planning Obligations

- 8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.
- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability);
 - The payment of **£42,846.54** for 2 secondary school places;
 - Contribution towards the local bus service (to be assessed at reserved matters);
 - Off-site open space contribution to be assessed based on the needs of the village (at the time of the reserved matters application); and,
 - Long term maintenance of non-adopted highways, open space and management company

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 23rd October 2017 – unless otherwise agreed). Failure to sign the Section 106 would result in a refusal under delegated powers.

9.0 Conclusions

- 9.1 Cockerham is identified as a sustainable rural settlement in accordance with Policy DM42 of the Development Management DPD and as such is a village where sensitive and sustainable housing proposals will be encouraged. It is considered that the development is acceptable from a landscape, drainage, highways, flooding and nature conservation perspective. It is considered that the development constitutes sustainable development, and the benefits associated with a small but valuable contribution to the districts housing needs outweighs the harm caused to the landscape of the area. It is recommended to members that the scheme is supported, subject to the applicant entering into the Section 106 agreement and the planning conditions as noted below.

Recommendation

That subject to a Section 106 legal agreement being entered into, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Approved Plans
3. Access Detail
4. Offsite Highway works
5. Protection of visibility splays
6. Surface Water Drainage Layout
7. Foul Water Drainage Arrangements
8. Surface Water Long term management scheme
9. Finished Floor and site levels
10. Contaminated Land Assessment
11. Development in accordance with AIA.
12. Ecological mitigation and enhancement
13. Removal of Permitted Development Rights
14. Written scheme of archaeological investigation
15. Scheme for open space across the site.
15. Electric Vehicle Charging Points
16. Footway links to be provided.
17. Landscaping scheme.
18. Reasonable Avoidance Methods (Great Crested Newts)
19. Restriction on vegetation clearance (during Bird Breeding season)

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

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

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

Background Papers

None.

Agenda Item	Committee Date	Application Number
A8	16 October 2017	17/00925/RCN
Application Site Land Off Sycamore Road Brookhouse Lancashire	Proposal Outline application for the demolition of existing bungalow and erection of up to 31 dwellings with associated access (pursuant to the variation of condition 4 on planning permission 14/00270/OUT to vary the scheme for off-site highway works).	
Name of Applicant Oakmere Homes	Name of Agent Mr Daniel Hughes	
Decision Target Date 27 October 2017	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	N/A	
Summary of Recommendation	Approve	

1.0 The Site and its Surroundings

- 1.1 The site relates to an agricultural field and an existing residential property located adjacent to the north western edge of the village of Brookhouse within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site is accessed off Sycamore Road (at the end of the cul-de-sac) situated to the rear of existing residential development fronting or accessed off Brookhouse Road. The 0.75 hectare site is surrounded by existing residential development to the east and south and open countryside to the north and west used for grazing and equestrian purposes.
- 1.2 The topography varies markedly across the site. The most significant falls across the site are in a south to north direction and also a south-east to north-west direction. Levels range from approximately 12.5m AOD on the southern boundary to approximately 8m AOD along the northern boundary where there is a distinct depression marked by a small area of wetland habitat. Other than the AONB and Countryside Area designations the site is largely unconstrained; it is not within flood zone 2 or 3, and there are no public rights of way, designated heritage assets or protected trees within the site boundaries. There are protected trees on neighbouring land to the south of the site. The site is located within a Minerals Safeguarding Area and has some areas affected by surface water flooding.

2.0 The Proposal

- 2.1 The applicant originally sought to remove condition 4 on planning permission 14/00270/OUT, which reads as follows:

Prior to the commencement of development, a detailed scheme for off-site highway works, including:

- *Upgrading of bus stop facilities to Lancashire County Council's quality bus stop standards (Ref stop ID 2500DCL3172 & 2500LAA00237);*
- *Introduction of speed reduction measures along Brookhouse public highway in the vicinity of its junction with Sycamore Road through the laying of thermoplastic/ zebra flex centre line hatching;*
- *Introduction of carriageway thermoplastic "H" bar markings on Sycamore Drive; and,*

- *re-alignment of contiguous lengths of footway adjacent property numbers 45 & 88 Sycamore Road with stopping up of intervening lengths of the afore-mentioned carriageway. Shall be submitted to and agreed in writing with the local planning authority. The agreed works shall be implemented and carried out in full prior to first occupation of the development.*

2.2 During the determination period of this application and following negotiations with the developer in consultation with the highway authority, the applicant now seeks to vary condition 4 by reducing the level of off-site highways works required by the development. The applicant seeks to maintain the requirements to undertake improvements to the bus stop facilities referenced in the original condition but seeks to remove all other off-site highway requirements.

3.0 Site History

3.1 The relevant planning history is set out in the table 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	Withdrawn
17/00730/REM	Reserved matters application for the erection of 22 dwellings	Approved
17/00924/VLA	Variation of legal agreement attached to planning permission 14/00270/OUT to remove the obligation relating to allotment provision on or off site.	Approved, subject to Deed of Variation
17/00133/DIS	Application to agree details reserved by conditions 6, 8, 9, 11, 12 and 15 on the outline permission 14/00270/OUT	At the time of compiling this report, this application is still pending
17/00140/DIS	Application to agree details reserved by conditions 3 and 5 on the outline permission 14/00270/OUT	At the time of compiling this report, this application is still pending

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections to the variation of condition 4 to secure improvements to raise the adjacent kerbs to the two proximal bus stops to assist boarding and alighting and to remove all other off-site highway work requirements.
Parish Council	The Parish Council has requested further information in respect of the bus stop improvements and have subsequently not provided a position on the application. The Case Officer has provided the relevant information to the Parish for further comment. A verbal update will be provided if a response is received.

5.0 Neighbour Representations

5.1 At the time of compiling this report, one letter of objection has been received raising concerns in relation to the impact on the highway network and safety, commenting the site access is unsuitable; impact on the sewerage system; and concerns over the impact of construction vehicles.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework
 Paragraphs 7, 12 and 14 – Achieving Sustainable Development
 Paragraph 17 – Core Principles
 Paragraphs 32 and 39 – Promoting Sustainable Transport
 Paragraphs 203 and 206 – Planning Conditions

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

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

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

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

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

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

6.3 Saved Lancaster District Local Plan Policies:

- E3 AONB
- E4 Countryside Area

6.4 Core Strategy

- SC1 Sustainable Development

6.5 Development Management DPD

- DM20 Enhancing Accessibility and Transport Linkages
- DM21 Walking and Cycling
- DM35 Key Design Principles

7.0 Comment and Analysis

7.1 The applicant has submitted an application under Section 73 of the Town and County Planning Act 1990 to vary a condition imposed on the original planning consent. Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. It is not therefore a complete review of the whole development. The principal consideration in the assessment of this proposal is whether the requirements of condition 4 (as originally worded) remain necessary to make the development acceptable.

7.2 Paragraph 206 of the NPPF clearly states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (known as ‘the 6 tests’). The purpose of conditions, when used properly, is to enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development (National Planning Practice Guidance (NPPG), Ref ID:21a-001-20140306).

- 7.3 At the time the outline planning permission was granted the Local Planning Authority - in consultation with the Highway Authority - considered it NPPF-compliant to impose a planning condition requiring off-site highway improvement works to mitigate the impacts of the development and to maximise sustainable travel opportunities, comprising four items:
1. *Bus stop upgrades to bus stops 2500DCL3172 and 2500LAA00237 (these are the bus stops located to the east of the Brookhouse/Sycamore Road junction in both directions);*
 2. *Speed reduction measures along Brookhouse Road in the vicinity of the junction with Sycamore Road;*
 3. *"H" bar markings on Sycamore Road, and;*
 4. *Stopping up of intervening lengths of carriageway;*
- 7.4 Following the grant of outline planning permission, a developer (Oakmere Homes) submitted a full planning application for 21 dwellings (10 dwellings less that the development considered as part of the outline application) under planning reference 16/01603/FUL. As part of the publicity and consultation of this application, the Highway Authority formally advised that there were no requirements for any off-site highway works for the 21-dwelling scheme. This was questioned by the local planning authority at the time due to the requirements set out in the outline permission, but the Highway Authority maintained their position that no works were considered necessary to make the development acceptable.
- 7.5 During the assessment of the full planning application development viability was a key consideration. Following lengthy viability negotiations, the developer subsequently chose to submit a Reserved Matters application for 22 dwellings (to deliver an additional dwelling and improve viability). As part of the consideration of the full application (before it was withdrawn) and the Reserved Matters application, the assessment of development viability assumed no off-site highway works were necessary as per the Highway Authority's formal position set out under the full planning application.
- 7.6 In light of the above sequence of events, understandably the applicant then submitted this pending application to remove the condition in full on the grounds that the off-site highway works originally set out in the outline permission were no longer necessary to make the development acceptable.
- 7.7 The Highway Authority has been consulted on this application. Their initial response stated that the bus improvement works and the speed reduction measures (items 1 and 2 listed in paragraph 7.3 above) did remain necessary despite their comments to the full application, but items 3 and 4 were no longer necessary. This highway response was queried by the local planning authority, who must have regard (during decision-making) to the provisions of Paragraph 206 of the NPPF (see Paragraph 7.2 of this report). Conditions which place unjustifiable and disproportionate financial burdens on an applicant are likely to fail the test of reasonableness. As viability has been a key consideration in the assessment of the Reserved Matters application and the affordable housing scheme agreed under the planning obligation, the local planning authority must ensure the Highway Authority's requests for off-site works can be robustly justified.
- 7.8 The Highway Authority has provided a further response concluding all the original off-site works except for bus stop improvements, are no longer required. The bus stop improvements comprise alterations to the adjacent kerbs to assist boarding and alighting at the bus stops to bring them to quality bus standards. The Highway Authority concludes that the speed reduction measures are not necessary due to the existing 20mph speed limit in the vicinity of the junction with Sycamore Road and the fact that such works have limited connection to the development proposal. The "H" markings are unnecessary and are noted to have little benefit from a highway perspective and the stopping up of the turning head outside of 88 Sycamore Road will not be required as the proposed estate road is not going to be adopted.
- 7.9 National and local planning policy requires new development to reduce the reliance on private car and maximise opportunities for the use of walking, cycling and public transport. Policy DM20 states that development proposals will be supported where they seek to make best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services. The proposed bus improvement works are small in scale but will enable the bus stops to meet the County's quality bus stop standard, making the services more accessible for all. The costs associated with the works are not significant so will not place a financial burden on the development. Officers are satisfied that the proposed works would meet the 6 condition tests set out in the NPPF.

- 7.10 An approval under s73 of the Act results in the grant of a new stand-alone planning permission therefore all existing planning conditions have been reviewed to ensure they remain necessary and relevant with revisions made where appropriate (see condition list below). In short, only condition 2 (illustrative plans) has been removed as this is now unnecessary. A number of the other conditions are subject to pending discharge of condition applications. If these are discharged before the consideration of this application, a verbal update will be provided.

8.0 Planning Obligations

- 8.1 The original planning obligation agreed and signed under the outline permission remains in force and is tied to all subsequent planning applications pursuant under s73 of the Act.

9.0 Conclusions

- 9.1 The proposal to vary condition 4 to reduce the scale of off-site highway improvements works associated with the development is considered acceptable and proportionate to the scale of the development. The off-site highway works to be removed from the condition (items 2-4) are regarded unnecessary by the highway authority and would not therefore meet the condition tests set out in paragraph 206 of the NPPF. There are no reasonable planning grounds to insist these requirements are retained. On this basis, Members are recommend to support the application to require off-site bus improvements works only.

Recommendation

That the variation of Condition 4 to reduce the scale of off-site highway works **BE GRANTED** subject to the following conditions:

1. Time Limit Condition (varied to account for the approved of reserved matters application)
2. Access details
3. Off-site highway works (previously condition 4) requiring kerb improvements to bus stops 2500DCL3172 & 2500LAA00237 to be undertaken and provided in full before occupation of the 1st dwelling on site.
4. Foul and surface water drainage details
5. External lighting details
6. Nesting bird season condition
7. Scheme for compensation of nesting bird habitat loss
8. Development to be carried out in accordance with the bat survey addendum
9. Tree condition – no works without consent
10. Tree Protection Plan
11. Construction and Traffic Method Statement
12. Hours of construction condition
13. No impact pile driving without approval of noise assessment
14. Details of finished flood levels
15. Risk Assessment condition
16. Soil Importation standard condition
17. Unforeseen contaminated land condition

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

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

Background Papers

None

Agenda Item		Committee Date	Application Number
A9		16 October 2017	17/00868/FUL
Application Site Bay Scaffolding Northgate White Lund Industrial Estate Morecambe		Proposal Demolition of factory building and erection of 4 industrial units, installation of a raised replacement roof and erection of a single storey infill extension to the front and first floor side extension to existing industrial unit	
Name of Applicant Bay Scaffolding Ltd		Name of Agent Michael Harrison	
Decision Target Date 16 October 2017		Reason For Delay None	
Case Officer		Mrs Eleanor Fawcett	
Departure		None	
Summary of Recommendation		Refusal	

1.0 The Site and its Surroundings

1.1 The site relates to an existing employment site located on Northgate, towards the north western edge of the White Lund Industrial Estate. Most of the site is set back from the highway and extends behind other units that appear to be outside the applicant's ownership. The site comprises a row of single-storey attached buildings in the northwest corner, a relatively tall and long brick building located at the eastern edge of the site and a large area of hardstanding including two accesses off Northgate. The larger building is constructed of brick and was built in 1915-16 to supply electricity to the First World War Munitions Plant known as National Filling Factory No.13. It is not a listed building, but is considered to be a non-designated heritage asset.

1.2 To the north east of the site is a strategic cycle link and footpath which is separated from the site by a row of trees and a small watercourse (drain). White Lund is allocated as an employment site and a regeneration priority area.

2.0 The Proposal

2.1 Planning permission is sought for the demolition of the large brick building and the erection of four new industrial units, partly in the location of the existing building but also on existing areas of hardstanding. These would be modern portal-frame constructions, with external UPVC-coated metal wall and roof panels. The smaller existing units on the site are proposed to be retained with the lower sections raised in height to provide a continuous roofline, in addition to an extension to the front of the end unit. Part of this would have an upper floor. Parking spaces are proposed to the front of most of the units and the two accesses would be retained providing a separate entry and exit to vehicles.

3.0 Site History

3.1 A previous planning application (17/00025/FUL) was submitted earlier this year, and was subsequently withdrawn, following concerns being raised in relation to the loss of the non-designated heritage asset and the lack of a sustainable drainage strategy. There is no other recent planning history on the site.

4.0 Consultation Responses

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

Consultee	Response
Lancashire Archaeological Advisory Service	It would be preferable for the building to be retained and reused rather than demolished but if the economic case for conversion and retention cannot be made would reluctantly accept its demolition.
Conservation Section	In view of the building's visual significance from Westgate and the cycle path, together with its historical and communal value, it is considered that it should be viewed as a 'non-designated heritage asset' and therefore a presumption in favour of retention in the wider scheme for the site, possibly with restoration to a modern use unless there is a clear and convincing justification for its loss.
Environmental Health	Some further information requested, once provided request standard contamination conditions.
Parish Council	No comments received during the statutory consultation period.
County Highways	No objections subject to conditions requiring the provision of cycle and motor bike storage and the submission of a construction, traffic management method statement.
Lead Local Flood Authority	No comments received during the statutory consultation period.

5.0 Neighbour Representations

5.1 None have been received during the statutory consultation period.

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 18 – 21 – Securing Economic Growth
 Paragraph 32 – Access and Transport
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 118 – Conserving and Enhancing Biodiversity
 Paragraphs 120 – Contaminated land
 Paragraphs 135 and 136 – Non-Designated Heritage Assets

6.2 Local Planning Policy Overview – Current Position

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

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

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

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

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

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design
ER2 – Regeneration Priority Areas
ER3 Employment Land Allocations

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

E4 – Countryside Area

6.5 Development Management Development Plan Document (DM DPD)

DM15 – Proposals Involving Employment Land and Premises
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM33 – Development Affecting Non-Designated Heritage Assets
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 industrial development;
- Impact on heritage assets;
- Size, siting and design;
- Highways and parking issues;
- Impact on ecology and trees;
- Drainage; and,
- Contaminated land.

7.1 Principle of industrial development

7.1.1 The site is located within the White Lund Industrial Estate which is an allocated employment area and is proposed to be retained as such within the forthcoming Land Allocations DPD and Strategic Policies. The Core Strategy currently identifies it as a Regeneration Priority Area, but this is not the case within the emerging plan. The redevelopment of the site for employment purposes, within the B1 (Business) and B2 (General Industrial) use classes identified in the application, is appropriate in terms of the allocation. Therefore the principle of a greater number of smaller units within the site is acceptable in principle.

7.2 Impact on Heritage Assets

7.2.1 The application proposes the demolition of a large brick building on the site which has been identified as the former power house which was constructed around 1915/1916 and served the first world war National Filling Factory. It was built to house the steam turbines which generated electricity for the factory, the overall role of which was to fill shells with amatol (a mixture of ammonium nitrate and TNT). The building formed part of a substantial complex, covering around 105 hectares, and one of the reasons chosen for its location was the proximity to Lancaster's Caton

Road projectile factory (which produced shell casings). Supplies of chemicals and shells arrived on dedicated railway sidings off the Lancaster-Morecambe railway spur and filled shells were despatched back along the same route. In October 1917 there was a major fire at the factory, resulting in a sequence of explosions, which together destroyed almost all the buildings, though part of the power house did survive, along with the filled shell stores, paint shed and explosives magazines. The factory was then rebuilt in brick, and continued in use for filling shells until 1918 and following cessation of hostilities it was used for defusing munitions. A second accident occurred in January 1920 when unused shells were being emptied. There is currently an exhibition at Lancaster City Museum (until 12 November 2017), entitled '*Boom Town from Front Line to White Lund*', marking the centenary of the explosions at the Filling Factory.

- 7.2.2 The potential importance of the building was highlighted during the previous application. As a result, a Historic Building Record and Statement of Heritage Significance has been submitted with the current application. In assessing the significance of the heritage asset it considers the heritage values, but also details the historical background for the site and associated buildings and its setting. The building is already identified in the Lancashire Historic Environment Record where it is described as: "*a large brick building with distinctive gables, extant in 1933 and apparently originally connected to the adjacent railway line and to other structures to the southwest by rail links. Probably a surviving structure from the former site of the National Projectile Filling Factory at White Lund*". There is also information on Historic England's database PastScape, linked to the National Record of the Historic Environment, in relation to National Filling Factory 13 and references the Power House as a notable building.
- 7.2.3 The submitted report sets out that external changes to the building since construction have been relatively limited, but include the removal of the clerestory and replacement of much of the roof covering, and the insertion of a limited number of openings in the south-west and north-west elevations, although the most obvious change to its outward appearance has been the demolition of the boiler house from its south-west side. The most significant change to the interior has been the removal of all generating plant (which documents suggest had taken place by 1925), and almost all of the upper floor. It sets out that the building can be seen to have heritage significance arising from a number of aspects. These are principally historical and communal value, although also some minimal aesthetic value. In relation to the historic value, it is considered that it demonstrates his both illustrative and associative types. Its survival as one of the few buildings of the National Filling Factory within the present White Lund Industrial Estate provides an important link to the past. As a result of its past use, and the links to the 1917 explosion at the site, which is well remembered locally, it is considered to have strong communal value.
- 7.2.4 In the national context, guidance regarding non-designated heritage assets is clear. Local authorities may identify buildings, monuments, sites, areas or landscapes as a non-designated heritage asset. Where identified, these assets will have "*a degree of significance meriting consideration in planning decisions*".
- 7.2.5 Policy DM33 relates to development affecting non-designated heritage assets. It sets out that, where a non-designated heritage asset is affected, there will be a presumption in favour of its retention and any loss will require clear and convincing justification. The purpose of the policy, and the relevant paragraphs of the NPPF, is to allow consideration to be given to impacts of proposals in relation to more locally important heritage assets, which do not have a formal national designation. On the basis of the information set out above, it is clear that this building is a heritage asset. Whilst it was not used for the direct production of munitions, it is one of the few surviving structures of the large Filling Factory and has strong links to this and the explosion that occurred at the site. It appears to be in a good overall condition and has not been altered significantly externally. It is a large and imposing building, visible from public viewpoints and, whilst its setting within the Filling Factory has been almost entirely lost by the redevelopment as an industrial estate, it is considered that it provides an important visual link to the past, including in relation to the role that it played during the First World War as one of the National Filling Factories, employing over 4600 people, and the connections with the explosions at the site which had an impact over a large area.
- 7.2.6 The design & access and planning statements include some broad explanations about why the building cannot be re-used, setting out that consideration was originally given to attempting to convert this building to a state suitable for modern commercial usage but this has not proved to be an economic option. They also set out that the buildings are not arranged in an efficient manner and the site is presently underused, the principal occupant being Bay Scaffolding Ltd and Bay Hire

Services with two small car-related business in the modern workshop units. They go on to say that there is no demand for a tenant of the very large factory building which is uneconomic for modern commercial use. However, the planning application contains no robust evidence to justify these statements. Robust evidence could include marketing evidence to show that there is no interest for this type of building; structural surveys/evidence to demonstrate that works could not be undertaken to make the building more attractive to other companies/or to facilitate an increase in the use of the building; or any financial viability evidence to show that it could not be upgraded. This was highlighted to the agent prior to the withdrawal of the previous application.

- 7.2.7 It is considered that there would be scope, from a heritage perspective, to add an additional floor to the building, which does appear to have been the case historically (at least in part). This building does lend itself to an industrial use and alterations to this to give greater flexibility over its use could provide an opportunity to enhance the historic significance of the building by reinstating some of the historic features that have been lost. The building does appear to be in use at present, for the storing and maintaining of scaffolding materials. From the submission, it would appear that the current occupiers want to utilise other buildings on the site, and the removal of the large building, to allow for the new smaller units, appears to be speculative. On the basis of the above, it is considered that insufficient justification has been provided to support the loss of this locally important heritage asset which is one of the few survivors of National Filling Factory 13.

7.3 Size, siting and design

- 7.3.1 Three of the buildings are proposed to be sited roughly in line with the retained building, close to the rear boundary of the site. The fourth would be site parallel to this, adjacent to the boundary with a building outside the site which fronts onto Northgate. They would all be lower than the retained units on the site, but have a shallower pitched roof. Three are proposed to have a floor area of 270 sq.m metres and the fourth would be 500 sq.m, designed with a double pitched roof. The extension to the existing building would be finished in brickwork and the roof. These would be finished in plastic-coated metal panels which has been shown as green on the submitted plans. The wall of the extension to the existing building would be finished in brick with the roof in green cladding. Whilst visually it would be more appropriate if the pitches of the roofs through the site matched, there is a mix of design and condition of buildings in the area and the narrow pitch does keep the height down. They are well-contained within the site and in keeping with the overall character and appearance of the employment site. Whilst it is acknowledged that the roofs of the existing buildings to be retained are green, a dark grey finish may be more appropriate in this area. Colours of the cladding could be adequately covered by a condition.

7.4 Highways and Parking issues

- 7.4.1 The submitted site plan shows the provision of 41 parking spaces, some of which are larger than standard car spaces. The submission sets out that 6 cycle parking and 2 motorcycle spaces would be provided, but it is not clear where these would be. The cycle storage should also be covered and secure, but this could be covered through a condition. The Highways Authority have raised no objections to the proposal, however the site appears to be quite constrained and there would be limited space for larger vehicles that are not uncommon with these types of units. The swept path analysis shows turning for HGVs but not anywhere for these to park. Even if these just visit the site for deliveries, there is a danger that this could restrict access to (and turning within) the site and impact on the safety and operation of the adjacent highway. In addition, no parking has been shown to the front of units 1-3, presumably because the space between them and the boundary is relatively narrow. It may be difficult to prevent indiscriminate parking in this particular location, rather than in the identified spaces, which raises potential for conflicts with users. The agent has been advised that it should be clear how this area will be managed and laid out and where vehicles associated with these units will park.
- 7.4.2 There are concerns that the layout fails to work on a practical level, given relatively constrained nature of the site and the number of individual units proposed. However, given the lack of objection from the Highway Authority, it is unlikely that this would be a sufficient reason to refuse the proposal. A condition could request details of the marking of all the shared parking/ turning areas to ensure that this is properly managed to prevent conflicts with users and potential onto the highway.

7.5 Impact on ecology and trees

- 7.5.1 Given the demolition of the building, a bat survey has been submitted with the planning application. An inspection of the building has been undertaken which found no evidence of bats and the report considers that the building offers very low potential for use by bats for roosting. General working guidelines have been suggested within the report, but no other mitigation. It is considered that there would not be a detrimental impact on protected species of bats as a result of the proposal.
- 7.5.2 There are no trees within the site, but there are a number adjacent to the northeast boundary, adjacent to the cycle path. No assessment of the impact on the trees has been submitted with the application, however given that the whole of the site is currently developed with either buildings or hardstanding, this is likely to have restricted the rooting of trees under the site. There is potential for impacts to the canopy of trees from the raising of the roof of the existing building and the use of machinery. However, it is considered that this could be adequately controlled by conditions requiring a Tree Protection Plan and Arboricultural Method Statement.

7.6 Drainage

- 7.6.1 During the previous application, the Lead Local Flood Authority (LLFA) objected because of the lack of a sustainable drainage strategy. A surface water drainage strategy has been submitted with the current proposal. Unfortunately, no comments have been received from the LLFA at the time of preparing the report, although these have been chased. The submitted report sets out that the development would not increase the total peak surface water runoff rates or volumes from pre-development. It goes on to say that the disposal of surface water by infiltration to the subsurface is unviable due to the proximity of the water table to ground level and unfavourable superficial deposits. Surface water for the new units is proposed to be drained and discharged to the unnamed ordinary watercourse adjacent to the site, via existing surface water connections. The report sets out that attenuation of surface water prior to discharge into the watercourse is unviable due to the lack of cover and hydraulic head available between the site and nearby watercourse. Surface water from roofed areas will connect into channel drains which will drain the external areas, and subsequently discharge to the watercourse. Surface water drainage for the extension to the existing building would drain into the existing 150 mm combined sewer into which surface water from the unit and external areas currently discharges. The submission states that the site layout and drainage systems will be designed to ensure that there is no increased risk of flooding on or off site. Any comments from the LLFA will be reported at the meeting.

7.7 Contaminated land

- 7.7.1 A preliminary risk assessment has been submitted with the application and this has been considered by the Council's Contaminated Land Officer. No particular concerns have been raised regarding the redevelopment of the site, however some additional information has been requested in particular relation to whether there are any fuel tanks above ground and the postulated ground/radon gas regime. The submitted report sets out that the principal potential risk to site workers is posed by the potential for unexploded ordnance to be present on-site with additional potential risk posed by contaminated soils arising from the site's industrial past. Consequently, site development should proceed with caution and testing for the presence of contaminated soils is recommended. A further assessment of the contamination, which would inform the mitigation, would be expected prior to the commencement of works and could be covered by condition.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The application proposes the redevelopment of an existing industrial site within an allocated employment area involving the demolition of a non-designated heritage asset. It is a large and imposing building, visible from public viewpoints and, whilst its setting within the Filling Factory has been almost entirely lost by the redevelopment as an industrial estate, it is considered that it provides an important visual link to the past, including in relation to the role that it played during the First World War as one of the National Filling Factories, employing over 4600 people, and the connections with the explosions at the site which had an impact over a large area. There is therefore

a strong presumption in favour of its retention, as advocated by Policy DM33, and the submission have failed to provide a robust justification for the loss of this locally important heritage asset.

- 9.2 The submitted planning statement has a strong emphasis towards sustainable development and sets out that the economic benefits should outweigh any historic value that the building may have. However, as set out in paragraph 7 of the NPPF, there are three strands to sustainable development, and economic benefits are not the only consideration. As set out above, without robust justification to support the assertion that the building cannot be reused for economic purposes, although it is currently in this use, the proposal fails to comply with the relevant local and national policy in relation to non-designated heritage assets and therefore does not constitute sustainable development as it fails to comply with the environmental role of planning.

Recommendation

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

1. The proposal will result in the loss of a non-designated heritage asset without a robust justification for its loss. The building is considered to be of particular local importance given that it is one of the few remaining buildings from the First World War National Filling Factory. 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 12, and Policy DM33 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

Agenda Item	Committee Date	Application Number
A10	16 October 2017	17/00732/VCN
Application Site Lancaster Leisure Park Wyresdale Road Lancaster Lancashire	Proposal Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 in relation to boundary treatments, condition 6 in relation to the phasing of the highway works, condition 14 amending the timescales for the implementation of on-site play and fulfilling the requirements of condition 19 (contaminated land) and condition 23 (cycle stores/refuse) on planning permission 16/01183/VCN)	
Name of Applicant Mr Matthew Buckle	Name of Agent -	
Decision Target Date 30 October 2017	Reason For Delay Not applicable	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval (on the basis of no objection from County Highways)	

1.0 The Site and its Surroundings

- 1.1 The 2.31 hectare application site is situated on the east side of Lancaster within the Lancaster Leisure Park complex that falls between the M6 motorway and the residential area known as Golgotha. The site is bounded by an abattoir and the Leisure Park's main car park to the west, open fields to the south west and south east, the Ashton Guest House and Well House Farm to north east and Wyresdale Road to the north. Development on the site begun in 2014 with the new housing estate now fully occupied.
- 1.2 The M6 motorway and Golgotha command higher positions to the east and west respectively with the application site sat within the bottom of a shallow valley between these 2 features. The site is generally flat on the western half of the site gradually climbing towards the eastern boundary. There are trees to the Wyresdale Road frontage, along the western side of the access road, to the south west boundary and on the boundary with The Ashton and Well House Farm (protected by Tree Preservation Orders).

2.0 The Proposal

- 2.1 Planning permission was granted in 2014 for the erection of 71 dwellings, access and landscaping under planning permission 12/01109/FUL and amended in 2017 under application 16/01183/VCN. Whilst the development is now complete this application seeks approval for the boundary treatment that has been erected between plot 37 and Well House Farm in the form of 1.8m high close boarded fencing (condition 2). The application also seeks an amended timescale for the implementation of the offsite highway works to be completed within the next 7 months (condition 6). The playground equipment has been approved but not installed; the revised timescale is within the next 8-10 weeks

(condition 14). The scheme also seeks to allow for the discharge of conditions 19 (contamination) and 23 (cycle and refuse storage).

3.0 Site History

3.1 There is a long and varied planning history across Lancaster Leisure Park, but the most relevant applications to this proposal are:

Application Number	Proposal	Decision
16/01183/VCN	Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 on planning permission 12/01109/FUL to vary the amended plans)	Approved
12/01109/FUL	Erection of 71 dwellings including associated parking and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
Tree Protection Officer	Initially raised an objection as the information provided in support of the application shows the dimensions of the concrete base exceeding those dimensions within the approved AMS. Following the receipt of additional information from the applicant No objection is offered.
County Highways	Objection to condition 6 as the detail has yet to be agreed as part of the Section 278 process. The Highway Authority is satisfied with the details associated with condition 23 (cycle storage)
Environmental Health	No objection
Public Realm Officer	No objection , but consider that the ranger seat should have arm rests and it is a requirement that the seat has back and arm rests.

5.0 Neighbour Representations

5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
 Paragraph 32, 34 and 38 - Access and Transport
 Paragraphs 49, 50 and 55 - Delivering Housing
 Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
 Paragraphs 69, 70, 72 and 73 – Promoting Healthy Communities
 Paragraphs 109, 115, 117, 118 – Conserving the Natural 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 Lancaster Local Plan saved policies

H5 Housing Development Sites
E4 Countryside Area

6.4 Lancaster Core Strategy

SC1 Sustainable Development
SC5 Achieving Quality in Design

6.5 Lancaster Development Management DPD

DM20 Enhancing Accessibility and Transport linkages
DM22 Vehicle Parking provision
DM26 Open Space, Sports and Recreation
DM29 Trees, Hedgerows and Woodland
DM35 Key Design Principles
Appendix B Car Parking Standards

6.6 Other planning policy/guidance documents

National Planning Practice Guidance (NPPG)
Householder Design Guide Planning Advisory Note (PAN)

7.0 Comment and Analysis

7.0.1 The principal issues that concern this application include the below;

- Highway Impacts;
- Land Contamination;
- Playground Provision;
- Trees.

7.1 Highway Impacts

7.1.1 The original grant of planning permission required that all the off-site highway works were completed before the first occupation of the first dwelling. The works provide for cycle improvements along Wyresdale Road; upgrades of the closest bus stops on Wyresdale Road; the extension of the 30mph zone; and the reconfiguration of kerb lines and traffic calming to Wyresdale Road including pedestrian refuge and lighting.

7.1.2 The first dwelling was occupied in 2015, and therefore the off-site highway works are long overdue. It is understood that discussions have been ongoing with the Highway Authority for over a year with respect to the off-site highway works, and the County has objected to this planning application on the basis that the relevant agreement has still to be agreed with them. The developer has a significant part to play in the delays that have occurred in these works being approved. However, from a planning perspective the reluctance of the County Council to accept highway condition details (until such time the relevant agreement is signed) is frustrating. The relevant off-site works are handled under separate legislation (a similar analogy is the difference between building regulations and planning), and therefore should be treated as such.

7.1.3 From discussions with the developer it is understood that the works have now been agreed in late September 2017 and will take 7 months to implement, but an official consultation response from the County Council is still required. Members will be updated verbally on the position of this and also the situation with respect to lighting, as this is not included on the proposed off-site highway plans. Cycle and refuse storage associated with the apartment block has been previously implemented and the County Council raises no concern regarding these elements.

7.2 Land Contamination

7.2.1 A number of reports have been submitted to address issues associated with contaminated land, namely a Phase I and II contaminated land assessment, additional site investigations, ground gas risk assessments and stockpile assessments. The information has been shared with the Council's Contaminated Land Officer who is satisfied that the conditions associated with contaminated land can be discharged.

7.3 Trees

7.3.1 Condition 2 essentially required details of the boundary treatment (1.8m high close boarded fencing) adjacent to a protected tree. The Tree Protection Officer initially had concerns with this planning application, and raised an objection. However following the receipt of additional information from the applicant, the amended detail is considered acceptable to the Tree Protection Officer. The Case Officer has asked that the applicant's appointed arboriculturist visits the site to confirm the measures included within the applicant's approved Arboricultural Method Statement have been carried out and the findings from their site visit are shared by the Tree Protection Officer.

7.4 Public Open Space/Play Area

7.4.1 A scheme for play equipment has been previously approved on the site and this application only sought to amend the timescales for its implementation. Works have commenced in terms of laying the base for the play equipment, but the equipment has yet to be installed. The Public Realm Officer has no objection to the application, but has requested that the 'ranger seat' has arm rests. The applicant is amenable to such a request and an amended plan has been sought in this regard. The original grant of planning permission required that this play equipment was installed by the time the 35th unit was occupied, and this was then amended in 2016 (16/01183/VCN) which required its installation by March 2017. The development is essentially complete and Officers are frustrated that the applicant has failed to deliver the play equipment on two separate occasions. The applicant states that the equipment can be installed within 8-10 weeks, and it is recommended a condition to ensure that it is implemented in such a time is imposed on any consent.

8.0 Planning Obligations

8.1 The existing Section 106 will remain in force as part of any subsequent approval and therefore there are no planning obligations to be considered as part of this planning application.

9.0 Conclusions

9.1 There has been a number of breaches of planning control associated with this site, so the applicant has made this application to regularise the development. Enforcement action is always the last resort and Local Planning Authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and other material considerations. To date no enforcement action regarding these elements has occurred. Whilst there is confidence that

the timescales provided by the applicant are achievable, given the historic breaches of planning control on this site, should Members approve this scheme and the applicant fails to deliver on the delivery of the various works as outlined in this consent then enforcement action is likely to be taken. With this fallback position in mind, Officers can recommend support for the application.

Recommendation

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

1. Approved Plans – **Retain**
2. Boundary Fencing – **Approve details**
3. Affordable Housing Units – **Retain**
4. Access Roads and connection to the highways – **Retain**
5. Visibility Splays – **Retain**
6. Off-site highway improvements - **Amend condition** to be fully implemented no later than 7 months from the date of this permission.
7. Construction Method Statement - **Retain**
8. Foul and Surface Water systems - **Retain**
9. Flood Risk Assessment Drainage – **Retain**
10. Surface water drainage proposals – **Retain**
11. Tree Protection Measures – **Retain**
12. Tree Work schedule - **Retain**
13. Hard and Soft Landscaping – **Amended to reflect approved scheme.**
14. Play Equipment; - **Amend** to be implemented within 10 weeks of the date of this planning permission.
15. Pile Driving; - **Retain**
16. Site Clearance; - **Retain**
17. Development in accordance with contaminated land assessment; - **Retain**
18. No Soils brought from the site; - **Retain**
19. Contaminated Land Assessment - **Amend condition**
20. Any tanks, fuel and chemicals to be in accordance with approved plans – **Retain**
21. Ecological Mitigation – **Retain**
22. Removal of Permitted Development Rights – **Retain**
23. Cycle / Refuse Storage – **Retain**
24. Car parking areas – **Retain**
25. Travel Plan – **Retain**
26. Noise Mitigation – **Retain**

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 A11	Committee Date 16 October 2017	Application Number 17/00950/OUT
Application Site Gunnerthwaite Locka Lane Arkholme Carnforth	Proposal Outline application for the erection of an agricultural workers dwelling	
Name of Applicant Mr & Mrs Barker	Name of Agent Mr David Hall	
Decision Target Date 28 September 2017	Reason For Delay Committee Cycle	
Case Officer	Ms Charlotte Seward	
Departure	Yes	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 Gunnerthwaite Farm is in an isolated farm which is within the District's designated Countryside Area. It is situated at the junction of a number of Public Rights of Way and the farmhouse is Grade II Listed. The Farm is approximately 3km from Arkholme, 3.5km from Borwick and 4km from Priest Hutton.
- 1.2 The proposal site is occupied by two very derelict agricultural workers bungalows which subject to a fire in 2013. The condition of the site is such that the remains could not be occupied. The building remaining is limited to part of the rear wall and a section of the side walls, but there is no roof or floor.
- 1.3 The site is constrained by 1:30 surface water flood risk to its northern and eastern boundaries, with the eastern half of the site having a 1:1000 surface water flood risk. The site is also at risk from ground water flooding (25%-50%). There are several trees on the site boundaries and there are 2 ponds within 250m of the site.

2.0 The Proposal

- 2.1 This outline application seeks permission for a single dwelling for an agricultural worker. At this stage all matters are reserved.

3.0 Site History

- 3.1 Outline planning permission was granted for a pair of semi-detached bungalows in 1972, which was subject to a condition restricting the occupation of the dwellings to persons employed or last employed, locally in agriculture. A Reserved Matters application was granted consent a year later:

Application Number	Proposal	Decision
2/5/4295	Outline application for erection of one pair of semi-detached bungalows and garages	Permitted

2/5/4381	Details for 1 pair of semi –detached bungalows and garages	Permitted
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4.0 Consultation Responses

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

Consultee	Response
Arkholme with Cawood Parish Council	No objections
County Highways	No objections. Advice note required in relation to the Public Right of Way
Natural England	No comments – refer to standing advice.
Environmental Health	No objection subject to contaminated land conditions
ADAS	Objection due to no functional need. There is insufficient credible evidence to demonstrate a justified need for an additional agricultural workers dwelling on this farm unit.

5.0 Neighbour Representations

5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

Paragraph 17 - 12 core land-use planning principles
Paragraph 29 - sustainable transport
Paragraph 49 and 50 - housing
Paragraph 55 - Isolated new homes
Paragraphs 56, 58 and 60 - good design
Paragraphs 117 to 119 - protected species

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 Lancaster District Local Plan saved policies

E4 - Countryside Area

6.4 Lancaster District Core Strategy

SC1 - Sustainable Development
SC4 - Meeting the District's Housing Requirements
SC5 - Achieving Quality in Design

6.5 Development Management DPD

DM20 - Enhancing Accessibility and Transport Linkages
DM27 - The Protection and Enhancement of Biodiversity
DM29 - Protection of Trees, Hedgerows and Woodland
DM35 - Key Design Principles
DM41 - New Residential Development
DM42 - Managing Rural Housing Growth
DM43 - Accommodation for Agricultural and Forestry Workers
Appendix C: Criteria for Housing Development for Rural Enterprise Workers

6.6 Other planning policy/guidance documents

National Planning Practice Guidance (NPPG)

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of the development
- Ecology
- Foul and surface water drainage
- Other matters (access, design and landscape impacts, trees, contamination)

7.2 Principle of the development

7.2.1 Within its immediate setting, the location of the proposed dwelling is on the site of the now derelict agricultural workers' bungalows. The site would be cleared and a new 3 or 4 bed two storey house is intended to be built on the site. The flat topography of the site, its proximity to the existing farm buildings and its access on to the existing access track mean that the proposed location would be able to accommodate a new dwelling that would be well related to the existing farmstead.

7.2.2 However, in the wider context, the proposal is in an isolated location, divorced by some distance from any of the villages in the north Lune Valley area. Paragraph 55 of the National Planning Policy Framework states that isolated dwellings in countryside should be avoided unless there are special circumstances which justify this exception. The listed exceptions includes where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The Council's local planning policy DM42 reflects this position.

7.2.3 Policy DM43 together with Appendix C of the Development Management DPD set out the criteria that must be met to allow for permanent dwellings for agricultural workers to be supported. This includes:

- i. There is a clearly identified existing functional need which passes the policy test relating to functional need set out in Appendix C of this DPD;
- ii. The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- iii. The unit and agricultural / forestry activity concerned have been established for at least three years and passes the policy test relating to financial soundness set out in Appendix C of this DPD;
- iv. The functional need could not be fulfilled by another dwelling on the agricultural unit, or any other accommodation in the area which is suitable and available for occupation by the workers concerned; and
- v. New dwelling(s) are sited to minimise the impact on the surrounding area, well designed and well-related to existing agricultural buildings or other dwellings

The following assesses the financial and functional tests.

- 7.2.4 Dwellings in the open countryside are only allowed by exception where it can be clearly demonstrated that there is an existing essential need for an additional dwelling on site for the proper functioning of the enterprise. This application has been submitted with financial accounts for the last three years and a planning statement that forms a statement of justification in relation to the functional need for the additional worker to reside on the farm. In addition to this further information has been supplied on request. From assessment of the submitted with 3 years of Profit and Loss accounts, it is clear that this enterprise has been in operation at the site for at least three years. ADAS (the Council's agricultural advisor) has advised that based on these accounts it would appear that the business has been profitable over the last three years and that is no reason to question the likelihood of it remaining so. Furthermore, it is advised that there is no reason to believe that the financing of the dwelling would impact on the financial viability of the farm. As such on this basis it is considered that the agricultural enterprise is both established and sound and therefore meets Policy Test B in Appendix C relating to DM43.
- 7.2.5 From assessment of the planning statement provided the following information has been gleaned. This statement advises that Mr Baker is employed full time on the farm and Mrs Baker is employed part time. Mr and Mrs Baker have occupied the 4/5 bed farm house since 2008. Mr Baker Junior is the only other full time worker on the farm and currently lives with his family in a property that he owns in Arkholme. It is stated that Mr and Mrs Baker have advised to be 60 and 65 but nowhere near retirement as such it is expected that the needs of the farm will be met by Mr and Mrs Baker together with the son into the future. It is advised that contractors are employed on an occasional basis for specialist work, but all other work is carried out by Mr and Mrs Baker and Mr Baker Junior.
- 7.2.6 The stated justification for the current requirement for an additional worker to be resident on site as opposed to their current location in an owned house in Arkholme is stated as being for care of stock, responding to emergencies and for additional security for farm equipment and stock. Following assessment of this planning statement in conjunction with ADAS it was determined that there was insufficient evidence to evidence a need for an additional dwelling at the farm. As a result further information was requested from the applicant in relation to a Standard Man Days Calculation, further details in relation to the needs of the stock, particularly in relation to lambing and calving, and information on the suitability of available alternative accommodation in the locality and why this is deemed unsuitable. The applicant supplied further information in response to this request. The Standard Man Days Calculation submitted suggested a need for 2.9 full time workers for the agricultural business. No further information in relation to the needs of the stock was provided. Indeed no further information about the need for day and night throughout most of the year has been provided. In relation to available alternatives it is stated that there are no vacant agricultural workers dwellings locally. A supporting letter from NFU was provided authored by a person who specialises in commercial and agricultural insurance. The letter suggests the business is intended to be expanded but no information has been provided in this regard from the agent or applicant. A personal statement from Mrs Baker was also provided which stated that Mr and Mrs Baker needed the support of Mr Baker Junior on site and that the journey to and from the farm was providing difficulty for Mr Baker in relation to his family life. The additional information together with the original information provided has been assessed in conjunction with ADAS and determined to provide no credible evidence to support a justified need for an additional agricultural workers dwelling on this farm unit.
- 7.2.7 It is clear that there is sufficient work for Mr and Mrs Baker and Mr Baker Junior to work for the farm

enterprise, however there is no clear evidence as to why Mr Baker Junior would need to live on the farm rather than his existing house which he owns within Arkholme. The distance between the farmstead and Arkhome is 2.4mile drive which enables a person to respond to night calls or emergencies within an acceptable timescale. Mr Barker Junior has purchased this house and therefore has been able to meet his housing need on the open market without requirement for an agricultural worker's dwelling, demonstrating that there are suitable and available dwellings to meet the functional needs of the farm. From the information submitted work generated by the agricultural enterprise has remained constant while Mr and Mrs Baker have run the farm since 2000. If there was a compelling animal welfare requirement for a full time worker to be resident on the farm temporary accommodation on the site would have been sought with immediate effect following the fire. Furthermore, despite further requests for evidence in relation to the welfare needs of the animals no further information has been provided. From the information submitted the occupancy of the now derelict bungalows in relation to the agricultural enterprise has been for short term farm or itinerant workers, and it is clear from the information submitted that the only additional employment required at the site in relation to the farm is for agricultural contractors for specialist jobs.

- 7.2.8 Argument has been presented within the planning statement which suggests that security for the farm would be a justification for the proposal, although no evidence in relation to security treats or breaches has been provided. Whilst it is acknowledged in policy that security is an important issue in the assessment of need for agricultural workers dwellings it is clearly stated that it is not in itself a sufficient reason to justify a dwelling. The orientation of the existing farm house to the stock buildings means that the entrance to the stock and equipment buildings is within sight of the house. Whilst it is acknowledged that the track may not be visible from ground floor windows, this issue could be potential mitigated by other security measures.
- 7.2.9 Argument has also been presented in relation the impact of the current living arrangements in relation to personal convenience and impact on family life. In the assessment of an agricultural worker's dwelling the needs of the agricultural business are paramount. Whilst it is possible to recognise that agricultural work is demanding and the current housing arrangement does present a greater amount of travel to work than would result from a house on the farmstead, the journey is considered to be of a short distance with a travel time of less than 8 minutes. Personal circumstances do not outweigh the lack of evidenced justification for the dwelling to be on the farmstead.
- 7.2.10 Having fully considered the information submitted by the applicant, it has been demonstrated that there is a need for a full time worker for the enterprise but this need can be met adequately by dwellings in the area which are suitable and available for the occupation by the worker concerned. The worker in question has purchased a house within the local area which is within a short distance of the farm, which allows for the welfare requirements of the animals to be adequately met by Mr Baker and Mr Baker Junior and therefore there is no justification of a new dwelling within the open countryside. The reasons of security and personal circumstance do not outweigh the harm from permitting a dwelling in the open countryside without an evidenced justified need for the farm business which already adequately met by the existing farm. In conclusion the proposal is contrary to DM43 i) and Iv) and Policy Test A in Appendix C of the Development Management DPD.
- 7.2.11 Having failed the functional test, there is no justification for an agricultural worker's dwelling and given that the proposal does not satisfy any of the other exceptions listed in paragraph 55 of the NPPF, it means that there is no policy reason for approving this application. However, there is the issue of the 2 derelict bungalows. Within the information submitted with the application argument has been made that the now derelict agricultural workers dwellings are not classed as abandoned and therefore material weight should be given to the potential lawful fall back position of the alleged existing dwellings. However, Officers have advised the agent to submit an application for a lawful development certificate (ELDC) with robust evidence that a lawful use still exists. If the ELDC application was successful, then this would have established a lawful use against which this application could have been assessed. Whilst the agent has provided some further information as part of this application relating to the date of the fire, personal circumstances (a death and marriage in the immediate family) of the applicants, and delays in securing the insurance monies in association with the fire, he was unwilling to submit an ELDC. Therefore the lawful position has not been established. This leaves the Local Planning Authority with a decision to either refuse the current application and to reiterate their advice to the agent to submit an ELDC (though the applicants may decide to appeal the decision instead), or to surmise based on the agent's unsubstantiated outline of events that a lawful use does exist. In choosing the former, it could fall to

the Local Planning Authority to prove that the bungalows had been abandoned should the applicant choose to appeal a refusal of this application, especially given that the applicants and their agent would have additional time in the interim to compile further evidence. Abandonment is a legal concept used by the courts to describe the circumstances in which rights to resume a use which has been lawfully carried on in the past may be lost because of the cessation of that use. The assertion in this case is that the use of the site for two agricultural worker's dwellings at this site could be lawfully resumed without requiring planning permission for the use.

- 7.2.12 Assessment of whether there is a lawful use of the site for two agricultural workers dwellings is a matter that reasonably should be considered as part of an application for a Certificate of Lawful Existing Use. In the absence of this, it leaves the Local Planning Authority in a difficult position, but in weighing up all the matters arising from this proposal it is considered by Officers that the likelihood of the Local Planning Authority being able to refute the agent's claims that there is a lawful fallback position by proving that there is a case of abandonment bungalows would be difficult. However, this means that the recommendation before Members is a weak one insofar as the lawful use of the bungalows has not been established, and Officers have to surmise that one exists without one being formally established. Given that the recommendation is one of approval contrary to the Development Plan it has to be advertised as a Departure.

7.3 Ecology

- 7.3.1 The proposed site for the dwelling lies within 250m of two ponds, which from a site visit were confirmed to hold water and aquatic plants suggesting that this may be suitable Great Crested Newt (GCN) Habitat. GCNs are European Protected Species under the Habitats Regulations 2010. As such, in accordance with the regulations and national and local policy an assessment of the habitat and the presence of GCN is required to consider the potential impact that the development may have on them. No assessment was submitted with the application, so this was requested and a report containing the results of a Habitat Suitability Index (HIS) Assessment and Rapid Risk Assessment (RRA) Tool has subsequently been provided. Natural England has been consulted as part of this application but they have advised no comment and referred the Local Planning Authority to their Standing Advice.

- 7.3.2 Natural England guidance in relation to GCN survey method statement guidance states that HIS can only be used without a survey in limited circumstances where an offence is highly unlikely, which would include where the development is less than 100m from the pond. In this case the development is between 190 and 250m from the ponds and as such on this basis it is reasonable for the Local Planning Authority to make a determination on the application without a GCN survey. The HIS assessment for both ponds has shown a score of 0.51. Any score which is between 0.5-0.59 is considered to be below average suitability for GCN – a score of less than 0.5 indicates poor suitability. The RRA tool has identified that the development of the site is highly unlikely to result in an offence under the Habitats Regulations 2010. Reasonable avoidance measures and habitat improvement work have been proposed to ensure that the risk to GCN is negligible and that there will be habitat enhancement as a result of the proposal. Subject to a condition requiring the implementation of the reasonable avoidance measures (recommendation 7 of the GCN assessment by Envirotech dated 28 September 2017) it is considered that the proposal would not result in an offence on GCN and therefore is in accordance with Habitats Regulation 2010, paragraph 117 of the NPPF and the Policy DM27 of the Development Management DPD.

7.4 Foul and Surface Water Drainage

- 7.4.1 No details of how foul drainage will be disposed of have been provided. Equally no information has been submitted advising how the now derelict agricultural workers dwellings were served. A pre-commencement condition would be required to be imposed on any permission granted to ensure that the environment is protected from pollution (in accordance with 109 and 120 of the NPPF and Policy DM35 of the Development Management DPD).

- 7.4.2 As for surface water drainage, the submission states that it would be disposed of by a soakaway, but half the site and land to the north and east is known to have a flood risk from surface water. Furthermore there is a risk from ground water flooding. Therefore a soakaway is likely to be insufficient, but there are other technical solutions available to address surface water drainage. As with foul drainage a pre-commencement condition would be required to ensure that the surface

water drainage is designed in accordance with the NPPG hierarchy and meets Policy DM39 of the Development Management DPD.

7.5 **Other matters**

7.5.1 **Access**

The proposed plan indicates where the site access on the existing private agricultural track would be made. In this location there is an existing boundary wall and access gates that served the now derelict agricultural workers dwellings. The private track access onto the public highway is within 200m of the site. No objections to the proposal have been raised by County Highways, advising that the proposal would have an insignificant effect on the likelihood of additional traffic generation on surrounding lengths of the public highway network. Furthermore there is sufficient space on site for providing parking and turning space. There is also scope for modifying the access to ensure that there is unobstructed sightline onto the private track.

7.5.2 **Design and Landscape/Heritage Impacts**

This outline application reserves all matters. The planning statement describes the intention of the applicant to provide a two storey 3 or 4 bed house built of traditional materials. No further detail is provided, but there is scope for this site to be developed with an appropriately designed house. Scale and appearance will be considered at the Reserved Matters stage to ensure that the dwelling relates well to the existing buildings. All of these details would be submitted and assessed at the Reserved Matters stage, which in turn will inform that analysis of the landscape and heritage impacts on the District's Countryside Area and the Listed farmhouse. However, it is worth noting that a new dwelling replacing the exiting burnt out bungalows is likely to enhance the rural setting.

7.5.3 **Trees**

There are a number of trees on the boundary of the site. The retention of existing trees is important to the ability of the site to accommodate a new dwelling without harm to the landscape. In order to ensure that these trees of an appropriate category are protected during demolition and construction, a Tree Survey is required to identify any trees for retention and an Arboricultural Implication Assessment will be required to identify and mitigate any potential impact on them. Subject to a condition requiring this the impact on trees is in accordance with Policy DM29 of the Development Management DPD.

7.5.4 **Contamination**

The derelict remains of the agricultural workers bungalows were destroyed by a fire in 2013, which has left a site potentially affected by contamination. The development proposes a sensitive use and no risk assessment of the site has been provided. Consultation with Environmental Health has confirmed that the fire has the potential to have dispersed asbestos or heating oils. In addition the location of the site on a farmstead could have resulted in contamination. The Environmental Health Officer has suggested 4 standard conditions to be applied to any permission granted but Officers deem that only 1 (submission of a risk assessment of the site and the implementation of any remediation measures) meets the tests of being necessary and reasonably related to the proposal in accordance with paragraph 204 of the NPPF.

8.0 **Planning Obligations**

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

9.0 **Conclusions**

9.1 It is Officers' opinion that the way this proposal should have been progressed was firstly to establish the lawful use of the 2 burnt down cottages. If this could have been demonstrated through a lawful development certificate (ELDC) it would have provided a robust basis for the current proposal. As it is, the outline application lacked adequate detail in this regard, and without the functional need being demonstrated, the proposal failed to meet policy requirements. Whilst the agent has provided some additional information regarding the circumstances surrounding the fire and subsequent related events, these are in an outline form only and have not been substantiated. Therefore in weighing up all the matters arising from this proposal it is considered by Officers that the likelihood of the Local Planning Authority being able to refute the agent's claims that there is a lawful fallback position by proving that there is a case of abandonment bungalows would be difficult. However, this means that the recommendation before Members is a weak one insofar as the lawful use of the bungalows has

not been established, and Officers have to surmise that one exists without one being formally established.

The proposal is a departure from the Development Plan and as such the application has been advertised as such. The associated consultation period expires about 2 weeks after Planning Committee, so if Members are minded to determine this application then it will need to be delegated back to the Chief Officer for the decision to be issued after the expiry of the consultation period.

Recommendation

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

1. Standard outline consent timescale
2. Land contamination condition
3. Foul drainage scheme
4. Surface water drainage scheme
5. Tree Survey and Arboricultural Impact Assessment
6. Agricultural worker's restriction
7. Implementation of the reasonable avoidance measures for Great Crested Newts

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

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

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

Background Papers

None

Agenda Item A12	Committee Date 16 October 2017	Application Number 17/00833/FUL
Application Site Stone Jetty Marine Road Central Morecambe Lancashire	Proposal Installation of a Time and Tide bell sculpture	
Name of Applicant Miss Sian Johnson	Name of Agent -	
Decision Target Date 22 September 2017	Reason For Delay Committee Cycle	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

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

1.0 The Site and its Surroundings

1.2 The RNLi Hovercraft Station and associated slipway are located to the east of the site. The Midland Hotel is located to the south of the site and this building is Grade II* Listed. The Stone Jetty Café is situated to the north of the site and this building is Grade II Listed. The boundary of the Morecambe Conservation Area falls approximately 50 metres to the south and the site is within the area designated by the Morecambe Area Action Plan (MAAP).

1.3 The site is also within Flood Zone 3 and the following designations about the Stone Jetty - The Morecambe Bay Special Area of Conservation (SAC); The Morecambe Bay Special Protection Area (SPA); The Morecambe Bay RAMSAR Site and The Morecambe Bay Site of Special Scientific Interest (SSSI).

2.0 The Proposal

2.1 The application proposes a cultural art installation in the form of a Time and Tide bell measuring 1.55m x 0.88m which is to be fixed to the north-eastern side of the stone jetty. The bell will be fixed within a mounting bracket at a point approximately 50 metres along the jetty close to the point where the slipway terminates. The bell will sound when the tide rises and moves the internal clapper, creating a musical pattern.

2.2 The proposal is part of a nationwide project and is one of 10-12 bronze bells proposed to be sited near the high tide mark at locations around the British Isles. To date, 5 bells have been installed across the United Kingdom - North Devon, Outer Hebrides, River Thames and two at sites in Wales. A sixth bell has recently gained planning permission at a site in Lincolnshire. Most of these bells are located within ecologically sensitive sites, but have been accepted into the marine environment

due to their small scale nature and low impact. While it is intended that each bell will reflect the culture of its own locality through inscriptions on the wave catcher, written by each respective local community, the unifying factor for all bells is raising awareness of climate change.

3.0 Site History

3.1 The following previous Pre-application request was received by the local planning authority.

Application Number	Proposal	Decision
16/00262/PRETWO	Installation of a Time and Tide bell	Advised that principle of a cultural installation accords with the broad aims of the Morecambe Area Action Plan by creating a point of public interest through art and cultural heritage.

4.0 Consultation Responses

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

Consultee	Response
Natural England	No objections - considers that the proposed development will not have significant adverse impacts on designated sites.
Conservation Team	No objections – the setting of the nearby heritage assets will not be impacted.
Environmental Health	No objections.
Morecambe Town Council	Initial concerns regarding noise have since been allayed, and they offer Support for the proposal providing that the local planning authority are satisfied that there will be no noise nuisance to nearby property.

5.0 Neighbour Representations

5.1 At the time of compiling this report one item of public comment has been received raising objections to the scheme. The concerns relate to the possible need for engineering specifications for the bell mounting given its location on a coastal jetty. The comments also question whether it is appropriate to compare noise levels with that of a river setting (Thames) which the submitted noise example relates to. The question of safety and vandalism is also raised due to the potential for access to the bell.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
 Paragraphs 56, 58 and 60 – Requiring Good Design
 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.

6.3 Development Management Development Plan Document (DM DPD) Policies

DM3 - Public Realm and Civic Space
DM12 - Leisure Facilities and Attractions
DM27 - The Protection and Enhancement of Biodiversity
DM31 - Development affecting Conservation Areas
DM32 - The Setting of Designated Heritage Assets
DM35 - Key design principles
DM38 - Development and Flood Risk

6.4 Morecambe Area Action Plan DPD

SP3 - Morecambe Main Seafront and Promenade

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of development;
- General design and visual impact;
- Impacts upon heritage assets;
- Ecological impacts; and
- Noise Impacts

7.2 Principle of Development

7.2.1 Policy SP3 of the Morecambe Area Action Plan (MAAP) relates to this area which is identified as open space for people's informal recreation and enjoyment. Action Set AS5 of the MAAP also relates to the site and highlights a number of approaches to implement positive changes to this area including investment in public art. Culture is also identified as a marketing tool for the Morecambe Bay brand. The MAAP also acknowledges that the above aims must be balanced with the Council's commitment to not permit any proposals that would result in a significant adverse impact on the Bay environment and its interest features as a European Wildlife Site. It is considered the principle of the proposal is acceptable and the installation would be an interesting one within the wider Central Morecambe site, providing that there are no detrimental impacts arising as a consequence of noise, ecology or historic fabric. These points will be discussed in the following paragraphs.

7.3 General design and visual impact

7.3.1 The proposed bell will comprise cast marine bronze which will not degrade but will develop a greenish patina as a result of the effects of sea water. The weight of the bell without mountings is 385 kg. A bracket, constructed from brass rods connected to a bronze cast ring, will suspend the bell at a height where the movement of water at high tide will operate a paddle (wave catcher) which

will connect to the clapper which will ring the bell. The supporting documents state that the bell will create a varying, gentle, musical pattern as the rising water at high tide moves the paddle. The supporting statement also makes reference to an associated interpretation board to be sited close to the bell which would be accessible for the visually impaired. It is also hoped by the applicant that the board could be interactive with video links and audio oral history content. However, this would be dependent on funding.

- 7.3.2 It is considered that due to the scale of the proposal the development would not be unduly visually prominent in the landscape. It is also considered that proposed materials are acceptable and that there would be minimal impact from the installation of the bell via 5 fixing brackets. Precise details of the associated interpretation board would be conditioned.

7.4 Impacts on heritage assets

- 7.4.1 The site is 50 metres to the north-west of the Morecambe Conservation Area boundary. The Stone Jetty café and The Midland Hotel are the nearest Listed Buildings to the application site. In view of the distance of the development from these buildings in addition to the presence of intervening structures (e.g. wave wall) along with the other existing sculptures and art works on the jetty, it is considered that there will be no undue impact on the setting and character of the nearby heritage assets. As such it is considered that the proposal accords with the provisions of Policies DM31 and DM32. The proposal is therefore considered appropriate in heritage terms.

7.5 Ecological impacts

- 7.5.1 The site itself benefits from being within or adjacent to a number of designations of European/International protection. It is therefore appropriate that a Biodiversity Report and Environmental Statement has been included with the submission. The applicants have also been in consultation with Natural England prior to submission of the scheme.
- 7.5.2 It is considered that the greatest potential for environmental impacts would be disturbance to water birds from the sound of the bell. However, the bell will only operate at high tides, which are the times when adjacent sand and mud flats used by birds for feeding are covered by water and so not available to them. The nearest significant high tide roosts of birds is on groynes over 100m from the proposed installation, and at this distance the sound will be attenuated to such an extent that it will scarcely be audible above background seaside noises.
- 7.5.3 The submission has been reviewed by Natural England who raised no objections to the scheme. Overall it is concluded that there will be no greater impact than other recreational uses that the beach is currently used for. It is considered that the development is of a scale which can be accommodated without harming the ecological characteristics of the area and therefore the scheme accords with the provisions of Policy DM27.

7.6 Noise impacts

- 7.6.1 The installation of a bell activated by wave movements clearly raises the issue of possible noise implications. The bell would be activated at high tides only which is likely to be twice a day for two thirds of the year (for one third of the year the tide would not be high enough to activate the bell). The nearest surrounding buildings are predominantly in business use and the Midland Hotel is approximately 140m away from the site. The nearest residential properties are approximately 450m away from the site. The submission has been accompanied by a Noise Assessment which makes reference to a similar bell which has been sited on the Thames (Trinity Buoy Wharf). This example was chosen as a comparison as the bell is suspended from the wharf – similar to the current proposal. Current background readings of both the Stone Jetty and the Trinity Buoy Wharf bell chiming have been taken as part of the Noise Assessment which states that the readings for each of these was the same at 70db. It is understood that this is the equivalent of people talking normally at a distance of 1 to 4 metres. This demonstrates that there would be no additional noise nuisance in terms of the loudness of the bell when it is installed. This information has been fully considered by the Environmental Health consultee who is of the view that the scheme would not result in adverse implications.

7.7 Other matters

7.7.1 Although not a material planning consideration, the concerns regarding health and safety and the possibility of vandalism raised in the public comments and by the Town Council are noted. The bell itself will be a hollow form with a simple internal clapper which pivots in the centre on a gimbal. If small objects are thrown in they will fall straight through, and if a larger object is placed in the top of the bell it will be possible to remove the object without concern of damaging the structure. The entire structure is designed to allow water to move through it with ease. The surface of the bell will be as cast with no additional treatments. As a result any surface applications can be washed off with a standard cleaner, or in severe cases the surface can be gently sanded. The colour of the bronze will be through natural air patination, so the surface colour will return to any cleaned areas. It is also considered that the bell will only be as vulnerable to vandalism as other objects of public art which already existing in close proximity to the site.

7.7.2 The proposal is required to be subject of a licence from the Marine Management Organisation which considers such matters as health and safety. This requirement runs parallel to planning legislation and the applicant has confirmed that such a licence has been granted in respect of the proposed development.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 It is considered that the principle of a cultural installation accords with the broad aims of the Morecambe Area Action Plan by creating a point of public interest through art and cultural heritage. The submission has satisfactorily addressed the issues of noise and environmental impacts and would not be detrimental to the setting of nearby heritage assets. It is therefore considered that the scheme accords with the relevant local plan policies and the overarching principles of the National Planning Policy Framework.

Recommendation

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

1. Standard three year timescale
2. Development in accordance with plans
3. Details of interpretation board including precise location

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

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

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

Background Papers

None

Agenda Item	Committee Date	Application Number
A13	16 October 2017	17/00947/FUL
Application Site Craggs Of Conder Green Thurnham Mill Thurnham Lancaster	Proposal Erection of extension to existing agricultural retail premises, and change of use of agricultural retail storage area to general self-storage units (B8)	
Name of Applicant Mr Richard Cragg	Name of Agent Mr Luke Godden	
Decision Target Date 3 October 2017	Reason For Delay Committee cycle and call in request from Member at 6 weeks	
Case Officer	Mrs Petra Williams	
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 Helen Helme for the application to be reported to the Planning Committee on the basis that the proposal supports a local business which should be encouraged in the countryside.

1.0 The Site and its Surroundings

- 1.1 The application site is an agricultural machinery sales and repairs business located in the rural area of Conder Green which is geographically dispersed. The subject building is double pitched and comprises brown metal cladding and rendered elevations. Craggs of Conder Green is a business aimed at farmers and deals with machinery sales, repairs and servicing. The premises include a forecourt, showroom and workshop for repairs and maintenance work as well as an area for the storage of stock associated with the existing site operations. To the front of the building there is a forecourt which accommodates parking for staff, visitors and deliveries. The forecourt is also used for the display and storage of machinery and equipment which the business either hires out or offers for sale.
- 1.2 Mill Cottages are located to the immediate west of the site and Mill Farm lies to the south. Lancaster Canal runs to the north-east of the site approximately 65 metres away. A restaurant/hotel (The Mill) is located 100 metres to the south. The site is approximately 250 metres to the south-east of Lancaster Road and approximately 1.7km from the village of Glasson Dock, 2km from the village of Galgate (as the crow flies) and approximately 5km from the centre of Lancaster.
- 1.3 The site is within the Countryside Area as designated on the Lancaster District Local Plan proposals map and is within Flood Zones 2 and 3.

2.0 The Proposal

- 2.1 The plans propose a change of use to an existing agricultural retail storage area in order to house self-storage units (B8) for general storage purposes (i.e. not related to the agricultural business). Self-storage facilities generally provide space for rent to individuals on a short-term basis. An extension to the existing building is also proposed in order to move the existing agricultural retail stock into this new space, thereby freeing up the existing agricultural retail storage space for non-agricultural purposes.

3.0 Site History

- 3.1 There is a limited planning history associated with the site as follows:

Application Number	Proposal	Decision
17/00451/FUL	Erection of an extension to existing agricultural machinery storage building, change of use of agricultural machinery workshop to general storage (B8) and resurfacing of external hardstanding to the north	Refused
04/00878/FUL	Erection of agricultural machinery sales and repairs building	Permitted
95/01309/FUL	Replacement of dilapidated building with new portal frame building	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	No objections subject to a condition that ensures the development is constructed in accordance with the submitted plans which will provide an provides an unobstructed access strip of 10m from the base of the Environment Agency raised flood defence.
Environmental Health	No comments received
County Highways	No objections
Canal and Rivers Trust	No comments to make as the application falls outside their remit
Parish Council	No comments received

5.0 Neighbour Representations

- 5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 28 – Supporting economic growth in rural areas
 Paragraph 32 – Access and Transport
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraphs 100 and 103 – Meeting the challenge of flooding.
 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) Policies

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
DM38 – Development and Flood Risk

7.0 Comment and Analysis

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

- Principle of the development
- Siting, scale and appearance
- Flood risk
- Highways and parking issues

7.2 Principle of the development

7.2.1 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. The NPPF also places significant weight on supporting economic growth and encourages the expansion of existing rural businesses (paragraphs 19 and 28).

- 7.2.2 The existing operation is a rural business located within the geographically dispersed area of Conder Green. It is in the designated countryside, divorced from main settlements containing services and main public transport routes. The site does not have any formal allocation for employment purposes but has been operating since the 1970s as a business for agricultural machinery sales and repairs. The showroom and workshop are limited to the sale, repair and servicing of agricultural machinery and equipment by a planning condition attached to planning permission 04/00878/FUL. Given the rural nature of this business, the existing use is considered to be consistent with local planning policy, particularly in reference to Policy DM7 of the adopted Development Management DPD.
- 7.2.3 The proposal is in 2 parts - erection of an extension to the existing agricultural retail premises to serve the existing business and a change of use of the existing agricultural retail storage area to general storage (B8). The non-agricultural storage use would be a new element to the business on the site. The creation of self-storage units in this location is not considered to be consistent with Policy DM7 and in particular does not accord with the approach taken in criterion (i) of DM7 which sets out that development within the rural area will be supported in principle where it relates to essential operations for agriculture. Whilst diversification of rural business is supported in principle where it has been demonstrated that there are economic, environmental and community benefits, it is not considered that such benefits exist in this case. Although an extension in relation to the existing business operations would be acceptable, the development of non-agricultural storage and distribution uses (B8) should be directed towards allocated employment areas within sustainable urban areas of the District.
- 7.2.4 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 B8 use in this location. The submission sets out that the proposed operations would make use of existing business vehicles, in which a collection and delivery service of items in the self-storage units could be offered. However, this is not a sustainable solution and furthermore such an arrangement would be difficult to impose by condition. The supporting documents also highlight the proximity of a bus stop to the site, but this is currently only an hourly service and the nearest identified bus stop is by The Stork public house some 550m away.
- 7.2.5 The submission argues that the proposal falls under criteria VI of policy DM7 which offers support to economic development in rural areas where an extension or change of use accords with other local plan policies. However, for the reasons set out above this is not the case and it is considered that the principle of an open B8 use in this location is unacceptable.
- 7.2.6 The site 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 development of a B8 use in this location which is wholly unrelated to the existing business. 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 therefore the principle of the scheme is unacceptable.
- 7.3 Siting, scale and appearance
- 7.3.1 The proposed extension would be located to the rear (south-east elevation) of the existing building with a footprint of 23 metres by 12 metres. The profile of the extension will reflect that of existing with an eaves height of 4.2 metres and a ridge height of 5.8 metres. Materials will match existing. It is considered that in terms of siting, scale and appearance the proposal would be acceptable and would not result in adverse impacts on the surrounding Countryside Area.

7.4 Flood risk

7.4.1 The site is within Flood Zones 2 and 3. The existing and proposed uses are classed as less vulnerable which is acceptable within Flood Zone 3a. The finished floor levels of the proposed development would be set a minimum of 600mm above the general ground level and flood proofing measures could be implemented to ensure future visitors would not be at an unacceptable level of risk from flood water. The existing ground level of the site is 6 metres AOD. Finished floor levels of the buildings are therefore to be set at 6.6 metres AOD. The submission has been considered by the Environment Agency consultee who is satisfied with the layout of the submitted plan which provides an unobstructed access strip of 10 metres from the base of the Environment Agency's raised flood defence. The submission is considered to accord with the provisions of policy DM38.

7.5 Highways and parking issues

7.5.1 The site is accessed via a narrow lane off Lancaster Road to the north-west. This lane also serves Thurnham Mill Cottages, Mill Farm and The Mill Inn. As highlighted above there is an existing forecourt to the front of the site which at the time of the site visit was occupied by some items of farm equipment but also provided parking for at least 8 vehicles.

7.5.2 The proposal has been considered by the County Highways consultee who is satisfied that sufficient parking facilities (including turning provision) would be available within the application site to accommodate the increased level of parking which the self-storage facility is likely to generate, in addition to existing parking facilities relating to the established business. It is therefore considered that the scheme is acceptable from a highways and parking perspective.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Whilst a small scale extension to accommodate an expansion of the existing business may be acceptable, the proposal in its current form seeks to incorporate a B8 use which is unacceptable in this rural location. Therefore, in terms of the economic and social dimensions of sustainability, the site is not considered to be sustainable and no exceptional justification has been provided for the proposal in this location. The scheme is therefore considered to be contrary to the Development Management DPD policies in addition to the aims and objectives of the NPPF and as such the application cannot be viewed favourably.

Recommendation

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

1. The site is in an unsustainable location within the open countryside, remote from services. The submission does not provide sufficient justification to warrant the creation of a B8 use in this isolated rural location. As a consequence, the proposal is contrary to the aims and objectives of Policy SC1 of the Lancaster District Core Strategy, Policies DM7, DM15 and DM20 of the Development Management Development Plan Document and the National Planning Policy Framework, in particular the Core Principles and Section 3.

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

Agenda Item	Committee Date	Application Number
A14	16 October 2017	17/01029/FUL
Application Site 12 Knowlys Drive Heysham Morecambe Lancashire	Proposal Partially retrospective application for the erection of a single storey side and rear extension	
Name of Applicant Mr Tyrone Lewis	Name of Agent N/A	
Decision Target Date 26 October 2017	Reason For Delay N/A	
Case Officer	Mr Robert Clarke	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matters

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

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a two storey semi-detached dwellinghouse located on the eastern side of Knowlys Drive in Heysham. The property features a pebble dashed exterior with coursed stone to the front elevation underneath a terracotta tile roof with dormer extensions to the side and rear elevations. The property benefits from being located at the end of Knowlys Drive cul-de-sac, as such the rear garden extends round to the side of the dwellinghouse and measures approximately 260m². A number of mature trees within the application site (some of which are subject of a Tree Preservation Order) form a buffer between the garden space and Knowlys Road.
- 1.2 Knowlys Drive is characterised by two storey semi-detached dwellinghouses of a similar appearance and age. The road drops in elevation in a westerly direction towards Morecambe Bay and Heysham Head, creating some difference in land levels between the application site and its neighbours.
- 1.3 The site is unallocated in the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 This application seeks consent for the erection of a single storey rear and side extension. The rear extension will feature a maximum depth of 2.1m measured from the original rear elevation, whilst it will feature a width of 13m including the projection beyond the side elevation of the dwelling. The proposed side extension will feature a depth of 5.95m and a width of 6.9m measured from the side elevation of the dwelling. The rear extension will feature a lean-to roof with a maximum height of 3.9m whilst the side extension will feature a hipped roof with a ridge height of 4.4m. The front elevation of the side extension will be finished with matching coursed stone whilst the remaining

elevations will be finished with matching pebble dash. The roofs will feature matching tiles, and matching white upvc windows and doors will be installed throughout. This proposal remains unchanged in scale and design from the recently refused application 17/00681/FUL.

3.0 Site History

3.1 The following applications relate to the current proposal.

Application Number	Proposal	Decision
17/00242/FUL	Erection of a single storey side and rear extension	Withdrawn
17/00681/FUL	Partially retrospective application for the erection of a single storey side and rear extension	Refused

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response received during the statutory consultation period
Tree Protection Officer	No objection – subject to conditions
County Highways	No objection – subject to a condition regarding access construction

5.0 Neighbour Representations

5.1 **No responses received** during the statutory consultation period

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 – 12 Core Principles
Paragraphs 67 and 68 – Requiring Good Design

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

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

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

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

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

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the

draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Development Management DPD

DM22 – Vehicle Parking Provision

DM29 – Protection of Trees, Hedgerows & Woodland

DM35 – Key Design Principles

6.4 Lancaster District Core Strategy

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- General design;
- Impacts upon residential amenity;
- Impact upon protected trees; and
- Vehicle parking provision

7.2 General Design

7.2.1 This application is a resubmission of a previously refused application that was reported to the 24 July 2017 Committee meeting. The design and scale of the proposed development remains the same as the previously refused scheme, however, additional supporting information has been provided by the applicant in respect of the onsite trees. The supporting information includes photos of the layout of the application site prior to the commencement of construction works and a Tree Planting and Management Plan in addition to the previously submitted Arboricultural Implications Assessment (AIA).

7.2.2 The proposed development has been designed to reflect the character of the existing dwelling, particularly in terms of the material palette. Whilst the proposed extension will change the appearance of the rear and side elevations and is of a relatively large scale, only the side extension will be seen from within the street scene. The use of a hipped roof arrangement to this aspect of the development ensures the development appears subservient whilst the 5.4m set back from the front elevation will reduce its presence within the street scene, which is further reduced due to the location of the application site at the end of a cul-de-sac. It is concluded therefore that the proposed development is of an acceptable design and scale.

7.3 Impacts upon residential amenity

7.3.1 Due to the location of the application site at the end of a cul-de-sac the proposed side extension does not impact upon any neighbouring dwellings to the south. To the east, the properties and garden spaces to the rear of the development site on Knowlys Avenue are elevated, whilst the eastern boundary is formed by a substantial privet hedge. As such the impacts of the proposed development upon these properties will be minimal. The proposed rear extension features a depth of 2.1m, but it does not extend over the 45 degree line from the rear elevation windows of the neighbouring properties, and acceptable levels of daylight will be retained. A 1.8m boundary wall and fence to this northern boundary will ensure acceptable privacy levels are retained.

7.4 Impact upon protected trees

7.4.1 Previous application 17/00681/FUL was refused at the 24 July 2017 Committee meeting, against Officer recommendation, as it was concluded that the unauthorised works which have already been undertaken had caused significant and irreversible harm to the root systems of the adjacent protected trees, ultimately resulting in harmful impacts to the visual amenity of the street scene. The damage to the protected trees, identified as T5 and T6 (both mature Sycamores), is highlighted

within the submitted AIA. This offence has been pursued, as a separate matter to this application, by the Tree Protection Officer and a legal agreement is now in place between the City Council and applicant requiring the planting of two additional trees, a Rowan and Silver Birch. This replanting scheme is deemed acceptable by the Tree Protection Officer to mitigate the damage to and potential loss of T5 and T6.

7.4.2 Although the unauthorised works has resulted in damage to the root system of the protected trees, the aforementioned AIA also concludes that prior to the works commencing these trees, particularly T5, were already in a state of decline. As a result of the pre-existing poor health of T5 and T6, caused by their size relative to their location in close proximity to telephone wires and their severe pruning history, these trees were categorised as 'U - trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management' in accordance with BS5837 'Trees in relation to design, demolition and construction'. As such, the AIA concluded that T5 should be removed on health and safety grounds and T6 be subjected to significant pruning to minimise its growth around the telephone wires and be reassessed for its aesthetics at a later stage.

7.4.3 In support of this resubmission, an additional Tree Planting and Management Plan has also been compiled for this site whilst a number of annotated site photos have also been submitted, which indicate the layout of the site prior to the commencement of onsite construction works. The Tree Planting and Management Plan concludes that two further trees, a second Rowan and a Cypress Oak (in addition to those required by the legal agreement) are to be planted within the site. In the opinion of the Tree Protection Officer, the additional Tree Planting and Management Plan is satisfactory and should be implemented in full to aid in mitigating the damage/loss of the existing on site trees.

7.4.4 The damage caused to the root systems of the protected trees is unfortunate and the process by which this damage has been caused is not commendable. However, the pre-existing poor health of these protected trees and the recommendations of the submitted AIA should also be taken into consideration. The planting of a Rowan and Silver Birch trees, enforceable by way of a legal agreement, is deemed acceptable by the Tree Protection Officer to mitigate the deteriorating condition and loss of the protected T5 and T6. Furthermore, combined with the aforementioned Rowan and Silver Birch, the additional planting contained within the Tree Planting and Management Plan will lead to increased screening of the application site whilst contributing to the visual amenity and biodiversity value of the locality. The implementation of the planting schemes are encouraged as they will replace trees in a state of decline and provide healthier and more sustainable specimens, this is encouraged. The new trees should be planted as standard trees with a girth not less than 12cm diameter. Whilst larger trees can be bought and planted, they naturally require a correspondingly larger planting pit. The requirement to excavate such a large area would in itself have the potential to impact on the existing trees that are retained.

7.5 Vehicle parking provision

7.5.1 The proposed development includes the construction of a garage with sufficient space to park one vehicle whilst the existing drive provides one further parking space. The on-site parking provision is considered acceptable for a dwelling of this size and is in line with other neighbouring dwellings. A condition requiring a scheme for the construction of the site's means of access was requested by County Highways. Given that the existing access arrangement will remain unchanged this condition is considered unnecessary.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The side and rear extension is acceptable in terms of scale and design. It serves to respect the character of the street scene and dwelling and ensures adequate levels of residential amenity are retained. The damage to the protected trees is unfortunate, but action has been taken as a separate matter to this application and mitigation measures, including replacement planting, will be enforced. Further planting proposed by the applicant will also contribute to the visual amenity of the biodiversity

value to the locality. Combined the proposed replacement planting schemes will provide healthier and more sustainable trees in the long term.

Recommendation

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

1. Standard three year timescale
2. Development in accordance with plans
3. Garage use restriction
4. Development in accordance with AIA
5. Development in accordance with Tree Planting and Management Plan

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

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

Background Papers

None

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/01543/LB	Acrelands, Lune Street, Lancaster Listed building application for the replacement of 6 windows to the front elevation for Mr Michael Johnson (Skerton East Ward 2015 Ward)	Application Refused
17/00007/DIS	Globe Arena, Christie Way, Morecambe Discharge of condition 7 on approved application 14/01289/FUL for Mr Dave Trueman (Westgate Ward 2015 Ward)	Application Withdrawn
17/00094/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss DONG Energy (Overton Ward 2015 Ward)	Request Completed
17/00116/DIS	Galgate Mill, Chapel Lane, Galgate Discharge of condition 2A on the appeal decision associated with application 15/00271/LB for Mr Ayub Hussain (Ellel Ward 2015 Ward)	Request Completed
17/00131/DIS	1 Lythe Brow Barn, Quernmore Road, Quernmore Discharge of condition 4 on previously approved application 16/01523/FUL for Mr M Jensen (Lower Lune Valley Ward 2015 Ward)	Initial Response Sent
17/00132/DIS	Old Malt Barn, Borwick Lane, Borwick Discharge of conditions 3 and 4 on approved application 17/00491/FUL for Mr Michael Rigby (Kellet Ward 2015 Ward)	Request Completed
17/00135/DIS	Land Opposite Greendale Drive, Mill Lane, Warton Discharge of conditions 3, 4, 5, 6, 7, 8 and 9 on approved application 15/00720/REM for Mr Bleasdale (Carnforth And Millhead Ward 2015 Ward)	Initial Response Sent
17/00136/DIS	Abbeystead Reservoir, Abbeystead, Lancashire Discharge of conditions 3 and 4 on approved 16/01202/FUL for Mr Neil Kilgour (Ellel Ward 2015 Ward)	Request Completed
17/00141/DIS	Greendales Farm, Carr Lane, Middleton Discharge of condition 6 on approved application 16/01339/FUL for Mr M McCarthy (Overton Ward 2015 Ward)	Request Completed
17/00144/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application (Phase 1) 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Request Completed
17/00145/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP (Phase 5) - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward 2015 Ward)	Request Completed

LIST OF DELEGATED PLANNING DECISIONS

17/00148/DIS	6 Throstle Grove, Slyne, Lancaster Discharge of condition 3 on approved 14/00697/FUL for Mr Kevin Watkins (Bolton And Slyne Ward 2015 Ward)	Request Completed
17/00313/CU	Mill Bridge Barn, Fairheath Road, Tatham Change of use of summerhouse for use as holiday accommodation for Mr And Mrs Allan (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00543/FUL	Garage Site Junction Of Windermere Road And, Dunkirk Avenue, Carnforth Demolition of the existing garages and erection of 22 affordable dwellings with associated access and parking for Lancaster City Council (Carnforth And Millhead Ward 2015 Ward)	Application Withdrawn
17/00618/VCN	Sandside Caravan Park, St Michaels Lane, Bolton Le Sands Modification of condition 2 on 86/976 (re: tents) for use of part field 0034 for touring caravans in place of tents (pursuant to the variation of condition 3 on planning permission 93/00501FUL to extend the season from 1st March to 12th January in any one year) for Falcon Leisure Limited (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00685/PLDC	Lancaster University, Bigforth Drive, Bailrigg Proposed lawful development certificate for erection of a two storey extension for platform lift and internal alterations for Mr Keith Douglas (University And Scotforth Rural Ward)	Lawful Development Certificate Granted
17/00702/VCN	14 Damside Street And 20 Wood Street, Lancaster, Lancashire Redevelopment of properties and land adjacent, comprising of change of use of first and second floors of 14 Damside Street to one 3 bedroom student cluster flat, erection of first and second floors to 20 Wood Street to create two 3 bedroom and two 5 bedroom student cluster flats and erection of a new 3 storey building of one 4 bedroom and one 6 bedroom student cluster flats and 9 bay car park at rear (pursuant to the variation of condition 2 on planning permission 16/01268/FUL to amend the first and second floor and elevation plans) for AHB Property Holdings AHB Property Holdings AHB Property ... (Bulk Ward 2015 Ward)	Application Permitted
17/00713/VCN	Land Adjacent To Westgate And Heysham Railway , Westgate, Morecambe Erection of 90 residential units with an associated access off Westgate (pursuant to the variation of condition 7 on planning permission 14/01289/FUL to amend the off-site works plan/highway scheme to omit the pedestrian refuge) for Ms Karen Lee (Torrisholme Ward 2015 Ward)	Application Permitted
17/00773/FUL	The Vicarage, Abbeystead Lane, Dolphinholme Erection of two storey rear extension, single storey side extension and two front dormers for Mr Lee Kirkham (Ellel Ward 2015 Ward)	Application Permitted
17/00800/FUL	6 Sycamore Crescent, Brookhouse, Lancaster Erection of a single storey rear extension for Miss Caroline Woof (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00810/FUL	1 Wyresdale Court, Lancaster, Lancashire Installation of 1.8 metre high fencing to the side elevation for Mr Mark Taylor (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00814/FUL	10 Sharpes Avenue, Lancaster, Lancashire Erection of a single storey side and rear extension with raised terrace for Mr Stuart Foy (Scotforth West Ward 2015 Ward)	Application Permitted
17/00824/VCN	Red Court Caravan Park, Lancaster Road, Carnforth Demolition of existing Working Men's Club, erection of a 3 storey retirement home comprising 40 apartments and communal facilities, alterations to the roadside wall, and associated landscaping works to provide car park and garden spaces (pursuant to the variation of conditions 7 ,8, 9, 13 and 14 on planning permission 16/00569/FUL to amend the rear path and patio areas) for Red Court Caravan Park (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00840/FUL	81 - 83 Ullswater Road And 2 Rydal Road, Lancaster, Lancashire Change of use from a mixed use comprising retail and an associated residential dwelling to student accommodation comprising 1 3-bed property (C4) and 1 8-bed property (sui generis) for Mr Tariq Malik (Bulk Ward 2015 Ward)	Application Withdrawn
17/00846/FUL	99 - 101 Penny Street, Lancaster, Lancashire Installation of a replacement entrance frontage for Empiric (Lancaster Penny St 2) Limited (Castle Ward 2015 Ward)	Application Permitted
17/00847/FUL	Court House, Nether Kellet Road, Over Kellet Erection of porch to front elevation for Professor And Mrs M And G McIlmurray (Kellet Ward 2015 Ward)	Application Permitted
17/00864/FUL	35 Edward Street, Morecambe, Lancashire Conversion of dwelling to two 2-bed maisonettes (C3) for Mr Mussa (Poulton Ward 2015 Ward)	Application Permitted
17/00865/FUL	3 Brook Street, Lancaster, Lancashire Erection of a single storey rear extension for Mr Y. Mussa (Castle Ward 2015 Ward)	Application Permitted
17/00869/FUL	Holme House Cottage, 1 Holme Cottages, Harterbeck Erection of extension to front of existing garage and first floor extension above for Mr Stewart Lawrenson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00872/FUL	Globe Hotel, Main Street, Overton Erection of a single storey rear extension, replacement roof to conservatory, replacement windows, installation of 2 chimney stacks and erection of wall and railings to the front boundary for Mr R. Taylor (Overton Ward 2015 Ward)	Application Permitted
17/00877/FUL	Sidegarth, Sidegarth Lane, Halton Demolition of various extensions and erection of a single storey rear extension and two storey side extension for Mr & Mrs M Swindlehurst (Halton-with-Aughton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00880/FUL	Newhouse Farm, Lancaster Road, Slyne Creation of new vehicular access for Mr K Sanderson (Bolton And Slyne Ward 2015 Ward)	Application Refused
17/00887/FUL	Clock House, Church Brow, Halton Conversion of upper storey above garage into ancillary accommodation for Mr Ian Johnson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00888/LB	Clock House, Church Brow, Halton Listed building application for the installation of a new door, window and a reduction to the existing garage door to facilitate the conversion of upper storey above garage into ancillary accommodation for Mr Ian Johnson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00891/FUL	98 Church Street, Lancaster, Lancashire Demolition of rear lean-to extension and erection of a single storey rear extension for Mr & Mrs A Dennis (Castle Ward 2015 Ward)	Application Refused
17/00892/LB	98 Church Street, Lancaster, Lancashire Listed building application for demolition of rear lean-to extension, erection of a single storey rear extension, installation of rear roof lights, internal alterations including removal of internal walls, insertion of partition walls to form hallway and cloak room and alteration of rear window to form door for Mr & Mrs A Dennis (Castle Ward 2015 Ward)	Application Refused
17/00896/FUL	61 Farmdale Road, Lancaster, Lancashire Demolition of existing garage and erection of a detached garage for Mr James Willoughby (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00898/FUL	Black House Farm, Bay Horse Road, Ellel Erection of a 2 storey side extension, single storey rear extension and construction of a timber framed carport for Mrs Anne Longton (Ellel Ward 2015 Ward)	Application Permitted
17/00901/FUL	Bay Horse Hotel, Saltoake Road, Bay Horse Demolition of redundant buildings and existing kitchen, erection of single storey extensions to sides and rear, installation of mezzanine floor, 5 velux windows and decking and terrace area to the rear for Mr Craig Wilkinson (Ellel Ward 2015 Ward)	Application Permitted
17/00905/LB	Hill House, Fairheath Road, Tatham Listed building application for the removal of internal ground floor stud wall, blocking up internal ground floor doorway and the restoration of historic skirting, doors and architraves for Mr & Mrs Staveley (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00906/OUT	Land To Rear Of 25 Crag Bank Crescent, Carnforth, Lancashire Outline application for the erection of 3 dwellings and creation of a new access for Mrs Robinson (Carnforth And Millhead Ward 2015 Ward)	Application Refused
17/00913/LB	35 - 41 Market Street, Lancaster, Lancashire Listed building application for the installation of a replacement gate to the rear elevation for Mr Ben French (Castle Ward 2015 Ward)	Application Permitted
17/00917/CU	Colloway Farm, Lancaster Road, Overton Change of use of agricultural storeroom to additional living accommodation (C3) for Sarah Jackson (Overton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00918/LB	Colloway Farm, Lancaster Road, Overton Listed building application for the installation of 3 windows to all elevations, 2 rooflights to the rear elevations to facilitate the change of use of agricultural storeroom to additional living accommodation for Sarah Jackson (Overton Ward 2015 Ward)	Application Permitted
17/00921/LB	Thurnham Hall, Main Road, Thurnham Listed building application for removal of bar and fittings from main foyer and installation of a new bar and associated services in function room, staining of timber panelling and varnishing of timber flooring, cleaning of stone flooring, and re-painting of plaster work for Mr Matthew Davies (Ellel Ward 2015 Ward)	Application Permitted
17/00922/FUL	Royal Kings Arms Hotel, 75 Market Street, Lancaster Erection of a single storey rear extension, construction of a canopy, decking area and installation of a door to the rear for Mr Tony Flanagan (Castle Ward 2015 Ward)	Application Permitted
17/00923/LB	Royal Kings Arms Hotel, 75 Market Street, Lancaster Listed building application for the repainting of the front elevation, erection of a single storey rear extension, construction of a canopy and decking area, installation of a replacement door and new door to the rear, creation of new reception, cafe/bar and bar/restaurant areas, removal of walls, installation of partition walls and new staircases, lowering of kitchen ceiling to the basement, creation of 2 glazed openings and new sliding doors to the entrance lobby, raising lintels over existing screens and doorway to main stairwell and relocation of fire doors and installation of 3 roof lights. for Mr Tony Flanagan (Castle Ward 2015 Ward)	Application Permitted
17/00927/FUL	282 Bowerham Road, Lancaster, Lancashire Erection of first floor extension over existing garage for Mr A Jackson (Scotforth East Ward 2015 Ward)	Application Permitted
17/00928/VCN	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Extension of time limit on application 07/00556/OUT for outline application for residential use (up to 440 dwellings) involving the residential conversion of the Annexe and Campbell House, demolition of existing buildings and associated access, car parking and landscaping (pursuant to the variation of conditions 3, 5 and 8 on planning permission 13/00563/RCN to allow for the demolition of the Cricket Pavilion) for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Application Refused
17/00929/LB	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Listed building application for the partial demolition of the Cricket Pavilion to create a seating area for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Application Refused
17/00932/FUL	Southgate Barn, Southgate, Barrows Lane Change of use of ancillary living accommodation to a separate residential unit and creation of a hardstanding area to the front for Mr Steve Hemingway (Heysham South Ward 2015 Ward)	Application Permitted
17/00935/CU	Gibraltar Farmhouse, Lindeth Road, Silverdale Change of use of part of field to accommodate four camping pods and a car parking area for Mr K Greenall (Silverdale Ward 2015 Ward)	Application Withdrawn

LIST OF DELEGATED PLANNING DECISIONS

17/00938/FUL	37 Belle Vue Terrace, Lancaster, Lancashire Erection of a single storey side extension and engineering works to front garden to alter pedestrian access for Mr & Mrs G Hobbs (Scotforth West Ward 2015 Ward)	Application Permitted
17/00948/FUL	6 Carus Park, Arkholme, Carnforth Erection of a front porch and construction of an access ramp for Mr & Mrs K. Adam (Kellet Ward 2015 Ward)	Application Permitted
17/00949/FUL	21 Bowfell Avenue, Morecambe, Lancashire Retrospective application for the retention of two storey rear extension, single storey rear extension and a hipped roof to the side elevation for Mr N. Crockett (Bare Ward 2015 Ward)	Application Permitted
17/00951/FUL	42 Pinewood Avenue, Bolton Le Sands, Carnforth Erection of a single storey side and rear extension and construction of a porch to the front elevation for Mr Sam Ripley (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00953/ADV	219 Marine Road Central, Morecambe, Lancashire Advertisement application for the display of an externally illuminated fascia sign and an externally illuminated projecting sign for Mr David Johnson (Poulton Ward 2015 Ward)	Application Permitted
17/00954/VCN	219 Marine Road Central, Morecambe, Lancashire Change of use from leisure/retail (D2 and A1) to cafe/drinking establishment (A3 and A4) (pursuant to variation of condition 3 on planning permission 15/01101/CU to alter the hours of operations and activities) for Mr David Johnson (Poulton Ward 2015 Ward)	Application Permitted
17/00955/FUL	219 Marine Road Central, Morecambe, Lancashire Installation of a replacement shopfront, change of use of forecourt outside to form external seating area and installation of canopy for Mr David Johnson (Poulton Ward 2015 Ward)	Application Permitted
17/00956/LB	219 Marine Road Central, Morecambe, Lancashire Listed building application for installation of replacement shop front and signage, fire escape ramp and air conditioning units to rear and removal and installation of internal walls to create new cafe area for Mr David Johnson (Poulton Ward 2015 Ward)	Application Permitted
17/00960/FUL	5 - 11 Hornby Road, Caton, Lancaster Installation of external air conditioning units to the rear elevation for The CO-OP Group (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00961/FUL	15 Hall Park, Lancaster, Lancashire Construction of glass canopy to the rear and erection of a single storey glass room to the side elevation for Mr Thompson (Scotforth West Ward 2015 Ward)	Application Permitted
17/00966/PLDC	18 Coppice Brow, Carnforth, Lancashire Proposed lawful development certificate for the erection of single storey rear extension and a single storey side extension for Mr & Mrs A McCartney (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

17/00967/FUL	19 Shore Road, Silverdale, Carnforth Erection of a detached shed to the rear for Ms Sue Crossley (Silverdale Ward 2015 Ward)	Application Permitted
17/00971/PLDC	12 Beaufort Road, Morecambe, Lancashire Proposed lawful development certificate for a hip to gable extension, construction of a dormer extension to the rear and two rooflights to the front for Miss K. Woodhouse (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
17/00972/FUL	27 St Margarets Road, Bolton Le Sands, Carnforth Construction of a dormer extension to the front elevation for Mr & Mrs P. Harvey (Bolton And Slyne Ward 2015 Ward)	Application Refused
17/00973/OUT	Nazareth House, Ashton Road, Lancaster Outline planning application for the erection of a building and use of land to provide a training and visitor centre (D1) for Mr Fred Ayres (Scotforth West Ward 2015 Ward)	Application Permitted
17/00975/FUL	4 Shelley Close, Bolton Le Sands, Carnforth Demolition of existing garage and shed and erection of single storey side and rear extension for Mr R Sibbett (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00978/PLDC	5 Coastal Rise, Hest Bank, Lancaster Proposed lawful development certificate of the erection of single storey rear extension, construction of a dormer extension to the rear elevation, rear terrace area and installation of a window to the front elevation for Mr & Mrs A Isherwood (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
17/00981/FUL	The Paddock, Cantsfield Road, Cantsfield Erection of detached garage for Mr & Mrs John Thrippleton (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00982/FUL	39 Hawkshead Drive, Morecambe, Lancashire Retrospective application for the retention of a single storey rear extension for Mr & Mrs Wood (Westgate Ward 2015 Ward)	Application Permitted
17/00984/FUL	Richmond Hall, Lancaster Road, Cockerham Erection of an extension to existing agricultural building for a silage clamp for Mr R Walmsley (Ellel Ward 2015 Ward)	Application Permitted
17/00988/FUL	Richmond Hall, Lancaster Road, Cockerham Erection of an agricultural building to house in-calf heifers for Mr R Walmsley (Ellel Ward 2015 Ward)	Application Permitted
17/00989/FUL	Richmond Hall, Lancaster Road, Cockerham Erection of an agricultural building for calf housing for Mr R Walmsley (Ellel Ward 2015 Ward)	Application Permitted
17/00994/PLDC	4 Gordon Terrace, Bowerham Road, Lancaster Proposed lawful development certificate for the construction of a dormer extension to the rear elevation for Mr C. Pickthall (Scotforth West Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

17/01004/NMA	112 Penny Street, Lancaster, Lancashire Non material amendment to planning permission 15/01618/VCN to split the ground floor retail unit into 2 separate units, replace 3 garage doors with 1 single service door, and to replace the service bay with a landscaped area for Mr Martin Crews (Castle Ward 2015 Ward)	Application Permitted
17/01005/ADV	New Inn, 40 Yealand Road, Yealand Conyers Advertisement application for the retention of a wall mounted sign on the south elevation for Barry Robinson Leisure Ltd (Warton Ward 2015 Ward)	Application Permitted
17/01006/LB	New Inn, 40 Yealand Road, Yealand Conyers Listed building application for the retention of a wall mounted sign on the south elevation for Barry Robinson Leisure Ltd (Warton Ward 2015 Ward)	Application Permitted
17/01009/FUL	13 Moor Platt, Caton, Lancaster Erection of a single storey rear extension for Mr & Mrs Moffitt (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01013/FUL	3 The Green, Silverdale, Carnforth Erection of a two storey rear extension for Mr John Bennett (Silverdale Ward 2015 Ward)	Application Withdrawn
17/01014/LB	3 The Green, Silverdale, Carnforth Listed Building application for the erection of a two storey rear extension for Mr John Bennett (Silverdale Ward 2015 Ward)	Application Withdrawn
17/01018/PLDC	6 The Green, Silverdale, Carnforth Proposed lawful development certificate for the erection of a single storey extension to the north/east elevation for Ms Watson-Keith (Silverdale Ward 2015 Ward)	Application Withdrawn
17/01020/FUL	28 Lonsdale Place, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs B Szerszynski (Scotforth West Ward 2015 Ward)	Application Permitted
17/01025/FUL	44 Foxfield Avenue, Morecambe, Lancashire Construction of two dormer extensions to the front and rear elevations for Mr A. Kara (Westgate Ward 2015 Ward)	Application Permitted
17/01032/ADV	Land East Of Railway Line, St Michaels Lane, Bolton Le Sands Advertisement application for the display of a non illuminated freestanding sign for Mr Middlebrook (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01033/ADV	Land Off Sycamore Road, Sycamore Road, Brookhouse Advertisement application for the display of a non illuminated freestanding sign for Mr Middlebrook (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01036/PAH	18 Maple Avenue, Heysham, Morecambe Erection of 4 metre deep, single storey rear extension with a maximum roof height of 3.265 metres and maximum eaves height of 2.8 metres for Mr And Mrs Prickett (Heysham North Ward 2015 Ward)	Prior Approval Not Required

LIST OF DELEGATED PLANNING DECISIONS

17/01055/PAD	Workspace Properties, Keer Park, Warton Road Prior notification for the demolition of industrial building for Mr Rob Jones (Carnforth And Millhead Ward 2015 Ward)	No Objections
17/01059/FUL	23 Locka Lane, Lancaster, Lancashire Erection of a single storey rear extension for Mrs D. Jarman (Skerton East Ward 2015 Ward)	Application Permitted
17/01072/PAH	14 Shelley Close, Bolton Le Sands, Carnforth Erection of 3.5 metre deep, single storey rear extension with a maximum roof height of 3.721 metres and maximum eaves height of 2.756 metres for Mr And Mrs P Burton (Bolton And Slyne Ward 2015 Ward)	Prior Approval Granted
17/01109/NMA	Snab Green, Snab Green Lane, Arkholme Non material amendment to planning permission 16/01502/FUL to install integrated solar panels to the roof and reposition roof light for Mr Wilkinson (Kellet Ward 2015 Ward)	Application Permitted
17/01113/NMA	Whitewalls, 39 Hatlex Lane, Hest Bank Non material amendment to planning permission 15/01044/FUL to reduce the footprint of the garage for Mr James Edmonds (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01182/EIR	Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe Screening Opinion for the change of use of land for the siting of 50 static caravans for Tom Hill (Overton Ward 2015 Ward)	Closed
17/0122/TCA	35 Scotforth Road, Lancaster, Lancashire Fell x1 lime tree for Mr Sinclair McKay (Scotforth West Ward 2015 Ward)	Application Refused