



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 13 NOVEMBER 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 16<sup>th</sup> October 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.

<b>5</b>	<b>A5 17/00770/RCN</b>	<b>23-25 North Road, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 1 - 10)</b>
		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)		
<b>6</b>	<b>A6 17/00970/OUT</b>	<b>Land At Higher Bond Gate, Abbeystead Road, Dolphinholme</b>	<b>Ellel Ward</b>	<b>(Pages 11 - 23)</b>
		Outline application for the development of 18 residential dwellings with associated access		
<b>7</b>	<b>A7 17/00736/OUT</b>	<b>Land North Of 17 Main Street, Warton</b>	<b>Warton Ward</b>	<b>(Pages 24 - 32)</b>
		Outline application for the erection of nine dwellings and associated access		

8	A8 17/00203/VCN	<b>St Georges Quay Development Site, St Georges Quay, Lancaster</b>	<b>Castle Ward</b>	<b>(Pages 33 - 42)</b>
<p>Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of conditions 2, 4, 6, 7, 12 and 30 and removal of condition 25 on planning permission 14/01186/VCN to amend the layout to include the substation, agree external materials and detailing of the development, reduce the minimum recess from 100mm to 85mm for doors and windows to the frontage units, to vary the trigger for the implementation of an agreed off-site highway improvement scheme and to remove the requirements for a risk assessment to be agreed alongside Network Rail's operational land).</p>				
9	A9 17/00868/FUL	<b>Bay Scaffolding, Northgate, White Lund Industrial Estate</b>	<b>Westgate Ward</b>	<b>(Pages 43 - 50)</b>
<p>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</p>				
10	A10 17/00965/VCN	<b>Land At The Hayloft Barn, Ashton Road, Ashton</b>	<b>Ellel Ward</b>	<b>(Pages 51 - 56)</b>
<p>Change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay-bys and cycle link, and creation of wildlife pond (pursuant to the variation of conditions 4, 6, 7 and 15 on planning permission 12/00212/CU to delay the creation of wildlife pond and cycle link and for the addition of a vehicle barrier and bin compound)</p>				
11	A11 17/01156/FUL	<b>81 - 83 Ullswater Road And 2 Rydal Road, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 57 - 63)</b>
<p>Change of use from a mixed use comprising retail and an associated residential dwelling to a retail unit</p>				

(A1), 2 bed dwelling (C3) and a house in multiple occupation (C4), and replacement of timber windows with uPVC windows

12    **A12 17/01120/FUL**    **Orchard House, Uggle Lane, Lancaster**    **Scotforth West Ward**    **(Pages 64 - 68)**

Retrospective application for the erection of a dwelling

13    **A13 17/00947/FUL**    **Craggs Of Conder Green, Thurnham Mill, Thurnham**    **Ellel Ward**    **(Pages 69 - 74)**

Erection of extension to existing agricultural retail premises, and change of use of agricultural retail storage area to general self-storage units (B8)

14    **A14 17/01151/FUL**    **The Storey, Meeting House Lane, Lancaster**    **Castle Ward**    **(Pages 75 - 78)**

Replacement of a timber door with a powder coated automated aluminium door to the rear elevation

15    **A15 17/01207/LB**    **The Storey, Meeting House Lane, Lancaster**    **Castle Ward**    **(Pages 79 - 82)**

Listed Building application for the replacement of a timber door with a powder coated automated aluminium door to the rear elevation

16    **Quarterly Reports (Pages 83 - 90)**

17    **Delegated Planning List (Pages 91 - 99)**

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

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

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

Councillors Stuart Bateson, Sheila Denwood, Mel Guilding, Tim Hamilton-Cox, Janice Hanson and Geoff Knight

**(iii) Queries regarding this Agenda**

Please contact Tessa Mott, Democratic Services: telephone (01524) 582074 or email [tmott@lancaster.gov.uk](mailto:tmott@lancaster.gov.uk).

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

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

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
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Published on Wednesday 1<sup>st</sup> November, 2017.

Agenda Item A5	Committee Date 13 November 2017	Application Number 17/00770/RCN
<b>Application Site</b>  23-25 North Road Lancaster Lancashire LA1 1NS	<b>Proposal</b>  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)	
<b>Name of Applicant</b>  Mr Trevor Bargh	<b>Name of Agent</b>  Mr Richard Barton	
<b>Decision Target Date</b>  26 September 2017	<b>Reason For Delay</b>  Reviewing Third Party Legal Representations	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval – Subject to the amended wording of condition 18	

## **I) Procedural Note**

The application was due to be presented to Planning Committee on 16 October. However, a late representation was received on 9 October by Lancaster University Students Union (LUSU) and it was determined by Members to defer the application to allow for the representation to be fully considered, and seek further advice to aid their consideration of the planning application.

### **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 19<sup>th</sup> 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 20<sup>th</sup> 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. 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), <b>No Objection</b> 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>

<b>Lancaster University Students Union</b>	<b>Object</b> to the removal of the condition: <ul style="list-style-type: none"> <li>• The condition was previously considered to pass the relevant tests;</li> <li>• Pre-occupation conditions are utilised in the case of Manchester; and</li> <li>• 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.</li> </ul>
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## **5.0 Neighbour Representations**

- 5.1 To date there has been **604** 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.
- 5.3 Councillor Charlie Edwards **objects** to the application given the inconsistency of approach between this planning application and the scheme at St Leonards House (16/01155/FUL).

## **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 were 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 Guidance (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 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 deliverability of a development are capable of being a material consideration in the determination of planning applications and some weight is attached to this.
- 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. Officers have 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 was 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 significant weight may be attached to this advice.

7.4.2 Counsel’s opinion has highlighted that whilst condition 18 may not be ‘*Wednesbury unreasonable*’ (a term in 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
<b>Relevant to the development to be permitted</b>	<ul style="list-style-type: none"> <li>• Does the condition fairly and reasonably relate to the development to be permitted?</li> <li>• 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.</li> <li>• A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.</li> </ul>

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 (deliverable) 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. The applicant is amenable to such a condition being attached to any planning permission.

### 7.5 Legal Representation by LUSU

7.5.1 Following LUSU's review of the Committee report that was scheduled to be heard at the 16 October Planning Committee, Foot Anstey on behalf of LUSU wrote to the Local Planning Authority setting out a number of concerns that they had with the recommendation, and secondly the process. They suggested that they would consider a legal challenge against the decision of the Authority. They raised four main areas of concern, and these are discussed in detail below.

- 1) Viability;
- 2) The purpose of condition 18;
- 3) Consistency; and
- 4) Impact on the Sugarhouse.

### 7.6 Viability / Deliverability

7.6.1 LUSU considers that the Committee report confused the idea of viability (whether the scheme will make a profit) with deliverability (whether a scheme will occur in a timely manner). They consider the Local Planning Authority should be considering *'what will be the planning consequence if this developer cannot secure bank funding to deliver the scheme?'* They rely on the St Leonards House development being institutionally funded by the Lancashire County Pension Fund (LCPF). Since a regulated local government pension scheme is funding that redevelopment they argue the Council cannot rationally conclude that the proposed redevelopment of the building (the Gillows) will not occur for funding reasons.

### 7.7 The purpose of condition 18

7.7.1 LUSU considers that condition 18 was imposed as noise was acknowledged to be a concern and is a complex issue. LUSU considers that given the development is on the limit of the technical capabilities, and the applicant's noise report is based on modelled projections, condition 18 is important to ensure that the modelled projections were effective in the real world.

7.8 Consistency

7.8.1 LUSU is concerned that there has been inconsistency in decision making (given they consider the condition to be a lawfully imposed planning condition) since the same condition was imposed on the St Leonards House scheme just one week after it was imposed on the Gillow's consent. LUSU considers that if the Local Planning Authority determines to modify condition 18 its lack of consistency would be challengeable on the grounds that it had failed to have regard to effectively 'identical' previous decisions.

7.9 Impact on the Sugarhouse

7.9.1 LUSU is concerned that by taking away the essential controls that would ensure noise levels remain acceptable, the Local Planning Authority is once again threatening the existence of the Sugarhouse nightclub. LUSU feels that the Local Planning Authority should not be allowing a development next door to nightclub without a proper means of monitoring noise impacts.

7.10 The Local Planning Authority position on LUSU's stance

7.10.1 The Local Planning Authority have not taken these concerns lightly. The objection has been considered fully and the Applicant has also responded to LUSU's correspondence.

7.10.2 Deliverability

7.10.3 The Applicant has advised that the current condition has a direct and substantial effect on the deliverability of the proposal. They note deliverability is a material consideration. They note that while LUSU's letter relies upon a hypothetical other developer building without the same funding strictures this is to ignore that the Applicant has owned this building for in excess of 20 years and is the only developer pursuing this project. Anyone attempting to purchase the site from the Applicant would have to satisfy their funders (banks or otherwise) in the same way as the Applicant has to theirs. Whilst LUSU refers to the use of the Lancashire County Pension Fund (LCPF) as a source of funding for the St Leonards House scheme, it is important for Members to consider that whilst planning permissions are not personal, and do run with the land, Officers have to determine the application before them and not search out a preferable hypothetical application (and applicant). Officers consider that based on the evidence before them (the funding letters) that the current wording of the condition does present a challenge in terms of the deliverability of the applicant's proposal for student accommodation.

7.10.4 The NPPF at Paragraph 176 sets out:

*Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.*

Paragraph 205 states:

*Where obligations are being sought or revised local planning authorities should take account of changes in market conditions over time and wherever appropriate be sufficiently flexible to prevent planned development being stalled.*

There are significant benefits in terms of bringing this Listed Building back into use, and Officers consider that they have complied with the NPPF duty by engaging in discussions with the applicant to find a safeguard that would keep costs to a minimum, and taking into consideration the lending institution letters, and have acted proactively.

7.11 Consistency

7.11.1 Officers disagree with LUSU's suggestion that they have acted inconsistently between this application and the St Leonards House application. The reasons as contained within this report to

Committee clearly set out the reasons for departing from the previous decision. The developments are different with distinctions in construction material to noise conditions. It is accepted that there are similarities between the St Leonards House and Gillows developments insofar as they both relate to the change of use of buildings to student accommodation. The St Leonards House scheme involves the conversion of an existing building and glazing the apertures in that building, together with the provision of a new attic structure; however there is little else in the way of development that is necessary to mitigate noise.

7.11.2 The application site, however, utilises a new full height double skin façade curtain wall in glass across two parts of the rear façade, The two glazed structures measure in the region of 21.5m (length) x 2.9m (depth) x 10.5m (height) and 13.2m (length) x 2.9m (depth) x 10.5m (height). These are required to be installed prior to any monitoring being carried out. The testing between the two is therefore very different and the testing can only be done when the structure is complete in the case of this planning application.

7.11.3 With respect to funding, LUSU asserts that St Leonards House is being institutionally funded by the LCPF and therefore there is merit to suggest that perhaps St Leonards House already had its funding in place whilst the application site appears not to. With the above in mind, whilst there are synergies between the two it is considered that they are quite different schemes.

### 7.12 Impact on the Sugarhouse

7.12.1 Officers consider that this issue is addressed within paragraphs 7.3.1 and 7.3.2 of the report to Committee, and have fully considered the impact on the Sugarhouse over the past 12 months during the consideration of 16/00274/FUL and this planning application.

### 7.13 The purpose of condition 18

7.13.1 The amended wording of the proposed condition still seeks to protect the residential amenity of the future occupiers of the building. The development will not be able to be occupied until the building is constructed in line with the recommendations within the noise report. The fundamental condition is number 17, which sets out the noise limits, and the developer has to work to these limits. The Local Planning Authority has the power to ensure that the developer adheres to these conditions. It is, however, accepted that the new wording does not specify that it can ask for remediation works. The use of a breach of condition notice would be served if the development were found to have been occupied without meeting the noise requirements (no different to the existing position). In addition, if it was found in the post-completion report that the applicant had not demonstrated to the satisfaction of the Local Planning Authority that the works had been put in place, then no occupation could occur.

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

**Background Papers**

None

<b>Agenda Item</b> A6	<b>Committee Date</b> 13 November 2017	<b>Application Number</b> 17/00970/OUT
<b>Application Site</b> Land At Higher Bond Gate Abbeystead Road Dolphinholme Lancaster		<b>Proposal</b> Outline application for the development of 18 residential dwellings with associated access
<b>Name of Applicant</b> Mr & Mrs D Wallbank		<b>Name of Agent</b> Mr Avnish Panchal
<b>Decision Target Date</b> 1 December 2017		<b>Reason For Delay</b> Not applicable
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval (subject to entering into S.106 Agreement)

**(i) Procedural Note**

A site visit was arranged for Committee Members to view this site in relation to outline planning application 16/01599/OUT (which was refused by Committee Members in April 2017). This was undertaken on 27 March 2017.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located to the north eastern fringe of the village of Dolphinholme, approximately 11 km to the south of Lancaster city centre. The site relates to a 1.3 hectare parcel of land that is bound by Abbeystead Road to the south, open fields to the north and east, and Brookside Drive to the west with residential properties beyond this. The site falls to the south being approximately 102 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south close to the western boundary of the site. The site is bound by hedgerows to the south of the site and there is a hedgerow that runs in a south-west to north-east direction in the southern section of the site. There are isolated trees that run along the western boundary of the site, but no boundary treatment to the north.
- 1.2 The site is relatively unconstrained, though it is within an area that is susceptible to groundwater flooding. A Tree Preservation Order (TPO no.574, 2016) covers a number of trees that exist within the site (notably along the boundaries). Lower Starbank Farm is Grade II Listed and is located c150 metres to the north of the development proposal, and Castle Hill motte scheduled monument is situated c180m to the south. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 is 175 metres to the north. The proposed development is approximately 350 metres to the north west of Dolphinholme Conservation Area and approximately 1km to the south west of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), but does fall within the District's Countryside Area.



## 2.0 The Proposal

- 2.1 This outline submission proposes the erection of 18 dwellings (of which 7 would be affordable dwellings) with only the means of access being currently applied for. There is an existing bungalow on the site which is intended to remain. Matters associated with scale, layout, appearance and landscaping will be considered at Reserved Matters stage should a scheme be supported. The applicant has provided an indicative layout of how they consider the site could be developed. The applicant proposes to connect Footpath 39 with Footpath number 43 with a new footway that would cross land within the applicant's control to the north.
- 2.2 The site's proposed means of access is off Abbeystead Road and the main spine access will feature a 5.5m wide access and the scheme proposes visibility splays in the region of 2.4m x 100m to the west and 2.4m x 103m to the east.

## 3.0 Site History

- 3.1 The relevant planning history is noted below

Application Number	Proposal	Decision
17/00498/PREONE	Pre-application advice for the erection of 24 residential units	Advice Provided
16/01599/OUT	Outline application for the erection of up to 49 dwellings, 1 shop unit (A1) and the provision of an underground foul pumping station with creation of a new vehicular access point, public footpath and associated landscaping	Refused
16/00041/OUT	Outline application for the erection of 68 dwellings with creation of a new access	Withdrawn prior to determination
15/00907/PREONE	Pre-application Advice	Advice Provided

## 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>Objection</b> - unsustainable location of the site and the over-reliance on the use of private cars contrary to the guidelines within the NPPF. If the application is approved conditions are requested; (i) Extending the existing street lighting along Abbeystead Road in an easterly direction beyond the site entrance; (ii) An extension of the existing 30mph speed limit in an easterly direction and associated gateway treatment and carriageway roundels; (iii) Extension of the footway provision along Abbeystead Road to the site entrance; and (iv) Pedestrian improvements between the site and the village school. This will necessitate cutting back and clearing encroaching vegetation on Abbeystead Lane and measures to address the pinch point at the junction of Abbeystead Lane and Wagon Road.
Ellel Parish Council	<b>Objection</b> to the development due to: <ul style="list-style-type: none"> <li>• Scale of development will have a detrimental effect on the small rural village;</li> <li>• The development will increase traffic along the single track, country lanes, which currently the roads are not equipped for, which will be a safety issue;</li> <li>• The sewage system is not equipped for extra housing waste - the main systems for Dolphinholme are septic tanks which already flow to the treatment works which overflow during heavy rainfall into the river. This extra waste from the development will have a negative impact on the environment;</li> <li>• Flood risk on the proposed development site from the brook adjacent to the land - any development will cause further run off in to the stream; and,</li> <li>• There is no public transport or sufficient facilities and amenities to cater for the increase in population</li> </ul>
Greater Manchester Ecological Unit	<b>No objection.</b> Recommends the ecological mitigation measures and enhancement measures are employed.
Natural England	<b>No objection</b>

<b>United Utilities</b>	<b>No objection</b> assuming the development is carried out in accordance with the Flood Risk Assessment (FRA)
<b>Lead Local Flood Authority</b>	<b>No objection</b> assuming development accords with the FRA. Surface water drainage scheme to be designed and a management and maintenance plan required
<b>Tree Protection Officer</b>	<b>No objection</b> in principle but the Arboricultural Assessment needs updating to reflect the correct survey tables and recommends that the roadside hedgerow is pushed back rather than removed.
<b>Local Plans Team</b>	The site is located in the 'Countryside Area' on the edge of the Forest of Bowland AONB. Whilst development in principle is acceptable in such locations it needs to comply with other policies within the Development Plan and ultimately deliver sustainable development.
<b>Public Realm Officer</b>	<b>No objection</b> recommends that 328m <sup>2</sup> of open space is provided on site and that a financial contribution of <b>£52,739</b> towards open space in the village is provided for. All off-site contributions should be used to improve the public open space by the village hall. This included children's play, young people's facilities, the tennis court and the bowling green.
<b>County Council (Education)</b>	No request for a combination towards primary school spaces, but seeks a contribution of <b>£42,846.54</b> towards the provision of 2 secondary school spaces.
<b>Strategic Housing Officer</b>	<b>No objection</b> on the basis that the affordable housing provision is provided for as documented within the planning statement.
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection</b> and there is a lack of sufficient heritage interest in the site to require field investigation as a condition of any planning consent.
<b>Environment Agency</b>	No observations to make on the planning application.
<b>Forest of Bowland AONB Unit</b>	No observations received within the statutory timescales.
<b>Lancashire Police</b>	No observations received within the statutory timescales.
<b>Conservation Section</b>	No observations received within the statutory timescales.
<b>Environmental Health (inc. Contaminated Land Officer)</b>	No observations received within the statutory timescales.
<b>Public Rights of Way Officer</b>	No observations received within the statutory timescales.
<b>Cadent Gas</b>	No observations received within the statutory timescales.
<b>Ramblers Association</b>	No observations received within the statutory timescales.
<b>Fire Safety Officer</b>	No observations received within the statutory timescales.
<b>Wyre Borough Council</b>	No observations received within the statutory timescales.

## **5.0 Neighbour Representations**

5.1 **43 letters** of objection have been received in response to the scheme raising concerns with the following main issues:

- Highway issues, including increase in traffic in the village and on minor roads; poor visibility at site's junction; safety around the school at peak times and a general lack of footways;
- Sustainability issues, including no public transport, and lack of other infrastructure to support a scheme of this nature, such as school places and shops;
- Impact upon village life, erosion of countryside and loss of agricultural land;
- Drainage and flooding issues, including concerns regarding waste-water management and existing flooding from the brook adjacent to the site;
- The site should not have been included within the local plan as a potential development site;
- The development would have an adverse impact on the AONB;
- Detrimental to the ecological value of the site;

- The village is undertaking a Neighbourhood Plan and this development needs to be considered in this context - the results of the August survey was that 81.5% of the village were opposed to this development;
- Number of errors contained within the application namely distances to Garstang and Lancaster and inconsistencies within supporting documents; and,
- Affordable houses in an area with no services is of little benefit.

There has been **19 letters** of support received raising the benefits of the scheme such as:

- Provision of affordable homes (seven) in an area of the District where house prices are high;
- Enables people to stay within the village as they may be able to afford a property;
- Would reinforce the character of the area ;
- Maintain and increase the vitality of Dolphinholme village;
- This scheme is more suitable given the development curves linearly to form a mirror image of the current properties alongside Brookside Drive.

5.2 A petition has been received containing **312 signatures** in opposition to the scheme.

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

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

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

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

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

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

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

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-

making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

## 6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC4 – Meeting the District's Housing Requirements

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

E3 – Development within and adjacent to the AONB  
E4 – Countryside Area

## 6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM30 – Development affecting Listed buildings  
DM32 – The Setting of Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM37 – Air Quality Management and Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth  
DM48 – Community Infrastructure  
DM49 – Local Services

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

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

## 6.7 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Dolphinholme 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 (September 2017).

## **7.0 Comment and Analysis**

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

- Principle of development;
- Landscape;
- Layout and Design;
- Highways;
- Drainage;
- Ecology;
- Trees and Hedgerows;

- Education Provision;
- Open Space;
- Cultural Heritage Impacts;
- Other considerations.

## 7.1 Principle of development

- 7.1.1 The site is located on land outside of the main urban area and is identified as 'Countryside Area' in the adopted Local Plan. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.
- 7.1.2 Policy DM42 of the Development Management DPD seeks to promote wider opportunities for housing delivery within rural areas of the District, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the Council would, in principle, support proposals for new housing. Policy DM42 identifies Dolphinholme as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Dolphinholme is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular reference should be made to paragraph 20.22 of the Development Management DPD which states; *"The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)"*.
- 7.1.3 Given the site is identified as Countryside Area, Saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Countryside Area to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests; and make satisfactory arrangements for access, servicing, cycle and car parking provision.
- 7.1.4 Notwithstanding the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing and this has been further supported by the Housing White Paper *'Fixing our broken housing market'* of February 2017. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential development the Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.
- 7.1.5 It is fully acknowledged that the Local Authority cannot demonstrate a 5 year housing land supply, and Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPAs) should approve development proposals which accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework [NPPF] taken as a whole; or
  - Specific policies in this Framework [NPPF] indicate development should be restricted.
- As a consequence there is a clear expectation that, unless material consideration imply otherwise, opportunities for housing delivery should be considered favourably.
- 7.1.6 Ellel Parish Council, along with Nether Wyresdale Parish Council have made an application to designate the Dolphinholme area as a Neighbourhood Plan area. Consultation on this area designation took place in late 2016 and the designation was approved in January 2017. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing

appropriate locations to achieve such development. Many have cited concern that this application should not be determined until such time a Neighbourhood Plan has been adopted. Recent case law would suggest that for a Neighbourhood Plan to be considered in the decision making process it must have made significant progress towards completion, being at the Referendum stage, before any real weight can be attached to it. Clearly the Neighbourhood Plan in Dolphinhholme is at a very early stage, although it is slightly more advanced than in was in April 2017 when a planning application was last determined on this site as a workshop was held on 20 July to consider various areas of land as possible options for housing. Whilst there has been progress, little weight can be afforded to the community's intention to prepare a Neighbourhood Plan, but nevertheless is still a material consideration. It is clear from feedback contained within the objection letters that the site is not favoured amongst the local community.

- 7.1.7 Whilst the scheme is within the Countryside Area it is contained within the Council's Strategic Housing Land Availability Assessment 2015 as a Strategic Site (SHLAA ref\_130). It should be stressed that the application site occupies approximately 20% of the SHLAA allocation contained within SHLAA\_130. The wider allocation has the potential for 150 dwellings. The Strategic Sites are sites that could, subject to further investigation, be potential contributors to the District's housing needs, but would require an overarching strategic approach in their delivery to be considered under the Land Allocations process. At the present moment in time it is not possible to conclude on their deliverability and it is the role of the Neighbourhood Plan to shape development proposals within the village.
- 7.1.8 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Dolphinhholme will be supported assuming the below criteria can be met:
- Be well related to the existing built form of the settlement;
  - Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
  - Be located where the environment can accommodate the impacts of the expansion;
  - Demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape; and,
  - Consider all other relevant policies.
- 7.1.9 Dolphinhholme is effectively split into two parts, Higher Dolphinhholme and Lower Dolphinhholme. The development is adjacent to residential properties along Brookside Drive and those that bound Abbeystead Road and therefore it is considered that the development has some form of geographical relationship to the existing built form of Higher Dolphinhholme. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.
- 7.1.10 With respect to its relationship to the village in terms of scale and character, the proposed development is a modest extension to a village which has in the region of 140 houses. Whilst Officers had reservations regarding the scale of the refused scheme for 49 dwellings, based on 18 dwellings it is considered that the scheme can be seen to be proportionate to the scale and character of the settlement. Officers still have significant concerns regarding the overall sustainability credentials of the village, as whilst there is a small shop located within the Fleece Public House, this is quite divorced from the settlement (albeit a similar distance from some existing dwellings within the village as those properties are from the application site), and whilst there is a school and parish hall, for the most part any future occupier of the site will be predominantly reliant on private car journeys, a view shared by County Highways and echoed by Officers. Some of the letters of support have noted that the provision of further housing would help support local business (such as car garages) and this is not in dispute, and it is accepted that social and economic benefits could occur should a scheme be supported.
- 7.1.11 Despite the outline nature of this submission, the local planning authority needs to be convinced that the site has the potential to accommodate a scheme reflective of its rural surroundings and conserves and enhances the character and quality of the landscape. The applicant has submitted an indicative layout in support of the scheme to show how the site could be developed. Following the refusal of planning application 16/01599/OUT the applicant engaged with Officers via the Council's pre-application service and the layout and number of dwellings as proposed is largely a result of this process whereby a more linear scheme, which has been orientated vertically, has been proposed to better reflect the pattern of development in this part of the village.

- 7.1.12 The applicant is proposing 40% of the units to be affordable (equating to 7 properties), and this is afforded significant and substantial weight in the planning balance argument. Many of those who are in support of the scheme have made reference to wishing to move back to the village or to be closer to family. Given current planning legislation the Local Planning Authority can only seek the provision of affordable homes (or financial contributions) on schemes of 10 or more dwellings (and less than 1000 square metres). The current scheme would allow vital affordable housing to be delivered within the village which is why this is a significant benefit arising from the scheme. However, there are some other substantial costs associated with the development, such as education contributions, off-site highway works and a foul water pumping station, and therefore there are reservations that the full 40% affordable contribution can practicably (and viably) be delivered. Notwithstanding this, a recent planning appeal decision from June 2017 (regarding a Former Territorial Army Centre in Islington) has confirmed that land values have to take into account planning policy requirements with respect to establishing land value for the purposes of viability assessments. Should Members seek to approve the scheme, the applicant needs to be mindful of this appeal decision.
- 7.1.13 Dolphinholme's current level of service provision includes a primary school and a village hall, and it has an outsourced post office visiting 2 mornings a week. 2 churches are located within the settlement and there is a public house with shop included within it c1.5km away, but residents would be heavily reliant upon private cars for most facilities. Furthermore access to other nearby services, such as Galgate, are made more problematic due to the use of the minor roads in the area, although it is accepted that National Cycle Route 6 is located 2km from the village and therefore it is possible to cycle to Lancaster (albeit more likely during the summer months). Whilst the concerns raised previously still apply, Dolphinholme is a village whereby the Local Planning Authority would look to support sustainable housing schemes and therefore on balance Officers are satisfied that the proposal conforms to Policy DM42 of the Development Management DPD.
- 7.2 Landscape
- 7.2.1 The applicant has submitted a Landscape and Visual Assessment (LVIA) in support of the application and helpfully have included some photomontages from selected viewpoints. The resulting conclusions of the assessment relating to landscape character show that whilst the sensitivity of the landscape here is high, the magnitude of change resulting from the proposal would be 'low adverse' and the impact 'negligible adverse', and from a visual impact perspective the impact on neighbouring properties would be 'medium/low adverse' and the overall significance would be 'moderate/minor adverse'. With respect to views from the surrounding landscape and AONB, the overall significance would be 'negligible/minor beneficial'.
- 7.2.3 It should be noted that the site is approximately 1km from the Forest of Bowland AONB and previously there was concern raised by the AONB unit regarding the impact on the AONB (Officers accept that there would be some impact on the AONB). This site is in a sensitive location and is an important gateway into and out of the AONB/Trough of Bowland and does share similar characteristics to those of the AONB. Notwithstanding this, the site is not within a protected landscape and therefore if land within the Forest of Bowland AONB is to be protected from development then sites with no landscape protection are those that are likely to be the focus of planning applications for development.
- 7.2.4 As with the previous application, Officers retain some concerns regarding the conclusions contained within the applicant's LVIA. The change from grazing land to a housing scheme of this scale will bring about landscape impacts, but unlike the previous proposal it is considered that the pattern of development proposed would be similar to the arrangement of Brookside Drive. It is considered that when the site is viewed from more distant views the development would be seen as part and parcel of the village. Properties along Brookside Drive have attractive views over the application site and onwards across the fells within the AONB. The loss of a view is not a planning consideration but the loss of outlook is. The outlook for these properties will change substantially and therefore inevitably there would be localised significant effects for properties on Brookside Drive and some on Abbeystead Road. The properties on Brookside Drive are in excess of 30 metres from the dwellings as proposed and the indicative plan shows a proposed planted buffer. Officers consider that whilst there would be landscape and visual impacts these would be localised and from more distant views it is considered from a landscape perspective the scheme conforms to Policies E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD.

## 7.3 Layout and Design Issues

- 7.3.1 Not only have the number of dwellings been considerably reduced as part of this application, but crucially there has been welcome improvements to the layout since the last application was refused. The applicant has sought to utilise a more linear form of development, characteristic of the village and a similar arrangement to the existing properties along Brookside Drive. The indicative scheme shows the majority of the properties facing towards the east and therefore when entering the village from Abbeystead this is far more palatable than the previous scheme. The applicant has submitted some computer generated images of the indicative layout and how it could be viewed from Abbeystead Road and Brookside Drive. Officers consider that the site has development capacity and given the low density of dwellings proposed, it is considered that there would be flexibility to allow improvements to the layout and cater for the likes of the foul pumping station that the applicant refers to in the flood risk assessment, and account for the change in land levels. At the Reserved Matters stage the relationship with the existing property on the site would need to be carefully considered and also elevation treatment of properties and boundary treatments. Officers are now convinced that the site could be developed sensitively.
- 7.4 Highways
- 7.4.1 The application is accompanied by a Transport Statement (TS) which examines the sustainability credentials of the application site, and the impact that the development may have on the local highway network. The report concludes that the site is not within the most accessible part of the District for non-car modes of transport, but concludes there are facilities nearby within walking distance and there are opportunities and facilities for prospective residents to cycle to nearby amenities. The TS has estimated that the development would generate around 15 two-way vehicle movements in the weekday morning peak period and 17 two-way movements in the weekday afternoon peak hour period, and considers this to be negligible and concludes that there are no highway reasons to refuse the scheme.
- 7.4.3 The Highway Authority raises concern that the only facility that is nearby is Dolphinholme Primary School and therefore to get to other services, whether that be doctors, shops, or to work, the development will rely on private motorised trips leading to an over reliance on private cars. They consider that the proposal therefore cannot be described as sustainable development in line with the NPPF. The response is in essence is similar to that supplied in relation to planning application 16/01599/OUT. Members may recall that as part of application 16/01599/OUT an investigation into whether the school bus service could be extended to include holidays to allow the local community use it was explored. Through discussions with the County it was evident that this school service did previously operate during the school holidays, however was removed a few years ago when the passenger survey data showed that only students were using the bus and usage during holidays was virtually nil.
- 7.4.5 With respect to walking or cycling, there is little in the way of quality footway links connecting the site to the wider area. However, it is possible to improve footpaths within the village (such as along Abbeystead Road and also addressing the pinch-point between Abbeystead Lane and Wagon Road). The provision of sensitive street lighting along Abbeystead Road could also promote more sustainable transport methods. Cycling has a significant part to play in reducing short car journeys but the location of the site does not promote cycling by virtue of a lack of continuous footways, unlit and poor carriageway alignment. Furthermore most of the local roads are bound by established hedgerows and are subject to the national speed limit. Whilst the more experienced cyclist may not be deterred by this, it does not promote a safe environment to cycle for the typical cyclist.
- 7.4.6 Officers share County's view that the site is not the most sustainable location for a development of 18 houses, although accepts that accessibility is not the sole dimension or key to sustainable development (especially in rural areas). County has suggested that to improve the sustainability credentials of the site the extension of the street lighting to the site entrance should occur, in addition to extending the 30mph speed limit in an easterly direction with associated gateway treatment and roundels, and the extension of the footway provision along Abbeystead Road to the site entrance. These measures are considered reasonable and deliverable. County wishes to see pedestrian improvements between the site and the village school and this would necessitate cutting back and cleaning encroaching vegetation on Abbeystead Road and measures to address the pinch point at the junction of Abbeystead Road and Wagon Road. The applicant has confirmed their agreement to such a condition, and it is considered that addressing the pinch point Wagon Road and Abbeystead Road can be addressed by utilising the footway on the western side of Abbeystead Road using dropped kerbs and tactile paving. On the issue of improving the existing footway from Wagon Road



to the school Officers are liaising with colleagues from County and the applicant's agent as to what is deliverable and achievable as the stretch of road that County refer to is in the region of 220m in length and Officers have some doubts as to what realistically can be delivered.

7.4.7 Notwithstanding the above, there is a footway to the local school (in the region of 1m in width), and whilst this falls below the typical two metres in width that the County Council advocate, this is a small rural village where footfall will be quite low. The scheme is for only 18 dwellings and therefore a balance needs to be struck, between conserving the historic qualities of the village (noting that the Conservation Area is immediately to the south of the proposed widening) and the use of a footway which could be more suited to an urban environment. Members will be verbally updated on the outcome of discussions at the Committee meeting.

### 7.5 Drainage

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

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

### 7.6 Ecology

7.6.1 The application is supported by a desktop study and extended Phase 1 habitat survey that was carried out by a competent ecologist in July 2017. The conclusions suggest that assuming the protection of the western boundary stream from pollution during the operational and construction phase, and that sensitive lighting is utilised, together with enhancing habitats for roosting bats and nesting birds, that the development is acceptable from an ecological perspective. Greater Manchester Ecology Unit raises no objection but recommend conditions associated with the provision of a lighting scheme, environmental management plan and also restricting vegetation clearance during the main bird breeding season. These are considered reasonable.

7.6.2 Concern has been raised via the representations received in response to the scheme that the site supports birds such as Curlew and Lapwing. On previous visits to the site the case officer has noted that the site has been used by birds. However, it is considered that the loss of the fields in isolation is unlikely to impact on wintering birds. Natural England offers no objection to the scheme and therefore it is considered that the development complies with Policy DM27 of the Development Management DPD.

### 7.7 Trees and Hedgerows

7.7.1 There are a number of trees and hedgerows that bound the site and the application is supported by an Arboriculture Implications Assessment. There are a total of 18 individual trees within the site and 8 groups of trees together with 11 hedgerows. The applicant proposes to remove c108 metres of hedgerow (106m for the access along Abbeystead Road and 2m within the site), and an oak tree has been identified for removal given its poor overall condition. However, no other trees have been identified for removal. The Tree Officer has no objection to the loss of the proposed hedgerows and trees on the site. It is, however, recommended that the 106 metres of hedgerow to facilitate the access

is not lost, but is pushed back into the site thereby still allowing for the required visibility splays. These observations have been shared with the applicant and Members will be updated verbally on this point. A positive of the amended scheme is that given the access has been moved slightly further to the west this has resulted in the substantial retention of hedgerow and avoids the swathe of land (to the east of the access) which would have needed to be grassed which was considered a weakness of the scheme previously.

### 7.8 Education Provision

7.8.1 A justified concern amongst many of those that have made representations is whether there is sufficient education provision within the local area. On such matters the local planning authority always takes the advice of the County Council, who act as the Education Authority for the District. Unlike previously where the County recommended that there would be a need for 11 additional primary school places to be provided at Dolphinholme Church of England School County and 5 secondary school places at Ripley St Thomas Church of England Academy, they have now confirmed that there is sufficient capacity at Dolphinholme Church of England Primary but two places towards secondary school provision is required. The applicant would be amenable to entering into a Section 106 agreement to secure the provision of these monies to be put towards education places. It is considered that the development would meet the requirements of Policy DM48 of the Development Management DPD.

### 7.9 Open Space Provision

7.9.1 The applicant includes the provision of open space within their indicative layout of the site. The Public Realm Officer has requested that 328m<sup>2</sup> is provided for and this can be taken into consideration as part of any Reserved Matters consent.

7.9.2 In addition a financial contribution of £52,739 has been requested by the Public Realm Officer towards off-site open space improvements - £19,909 to outdoor sports facilities, £9,380 to young people's facilities and £23,450 to children's play area. The Public Realm Officer has stated that there is a strong need to improve the public open space within Dolphinholme to cater for the additional impact of an additional 18 houses in the village. Planning obligations can only be sought where they are considered necessary to make developments acceptable, directly related to the development, and fair and reasonably related in scale and kind to the development that is being proposed. The application is made in outline form, and therefore whilst Officers believe that a financial contribution could go towards the likes of upgrading the kickabout area in the village, it would not be considered reasonable to require a contribution towards the bowling green and tennis courts given there are no firm plans at present to undertake improvement works. It is recommended that a financial contribution towards the upgrading of facilities within the Parish is secured by means of legal agreement with the amount to be calculated at the Reserved Matters stage when the number and size of the dwellings are known (based on evidenced need).

### 7.10 Cultural Heritage

7.10.1 The proposed development is approximately 150 metres to the south of Lower Starbank Farm which is a Grade II Listed building, and about 180m to the north of Castle Hill motte scheduled monument. Given the distances (and in the case of the motte, the topography), and subject to appropriate design it is not considered that the settings will be unduly harmed. The Council's Conservation Officer has yet to provide comment on the application but given there was no objection previously it is considered that the scheme complies with Policy DM32 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. It is considered that the setting of the heritage assets would be preserved on the basis of a scheme to be assessed at the Reserved Matters stage. Lancashire Archaeological Advisory Service advises that the site is unlikely to contain sufficient heritage to require a field investigation as a condition of any planning consent.

### 7.11 Other matters

7.11.1 The application is accompanied by an air quality assessment which recommends the provision of electric vehicle charging points to all properties and cycle storage provision. Matters associated with vehicle charging points can be addressed by means of planning condition. Given the previous use of the site it is not expected that the site would suffer from contamination so an unforeseen contaminated land condition is proposed.

7.11.2 Footpath 43 is located in the region of 175 metres to the north of the development. The applicant has shown a potential connection across land within their control to the footpath, and a condition is recommended to deliver this. There has been concern raised that the applicant's intentions have been to develop the whole site which is included with the SHLAA. Officers have to base each application on their own merits and therefore whilst Officers understand the concerns raised, should this scheme be supported and a future scheme come forward then Officers would have to assess that application on its own merits, including the cumulative impacts.

## **8.0 Planning Obligations**

8.1 It is recommended that the following should be sought by way of legal agreement;

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs and viability);
- Education contribution of £42,846.54 for two secondary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution to be re-assessed at the Reserved Matters stage;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

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

## **9.0 Conclusions**

9.1 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The development would make a contribution towards meeting the need for market and affordable homes. Whilst there are concerns regarding highways, the reason for objection is based on sustainability grounds and not a highway safety or capacity concern. The local community are concerned with water management on the site, but no objection has been received from the relevant consultees.

9.2 There will be a localised harmful effect on the character and appearance of the area as there will be a change from open farmland to housing development. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the landscape impact. Whilst Officers do have concerns that the site will result in the use of private transport, Dolphinholme is a sustainable rural village for the purposes of DM42 of the Development Management DPD and a planning condition is proposed to ensure electric charging points are integrated on all the new dwellings together with sensitive off-site highway improvements. On balance, it is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Members support the scheme subject to the conditions and obligations listed.

## **Recommendation**

That subject to the applicant entering into a Section 106 agreement to secure the obligations listed in Paragraph 8.1, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Timescales
2. Approved Plans
3. Access Detail
4. Off-site Highway works
5. Surface Water Drainage Scheme
6. Foul Water Drainage Scheme
7. Development in accordance with principles within the Flood Risk Assessment
8. Provision of electric vehicle charging points
9. Development in accordance with mitigation measures within the ecological appraisal

10. Provision of an Environmental Management Plan
11. Scheme for external lighting to be agreed
12. Unforeseen land contamination
13. Restriction of vegetation clearance during bird breeding season
14. Footpath connection
15. Finished floor and site levels
16. Removal of permitted development rights.
17. Provision of open space

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

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

**Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A7</p>	<p align="center"><b>Committee Date</b></p> <p align="center">13 November 2017</p>	<p align="center"><b>Application Number</b></p> <p align="center">17/00736/OUT</p>
<p align="center"><b>Application Site</b></p> <p align="center">Land North Of 17 Main Street Warton Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Outline application for the erection of nine dwellings and associated access</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Strong Developments Ltd</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Mr Ian Nicholson</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">10 November 2017</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Committee Cycle</p>	
<p><b>Case Officer</b></p>	<p>Mr Mark Potts</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**1) Procedural Note**

The application would normally be determined by delegated powers. However, Councillor Susan Sykes has requested that the planning application is determined by Planning Committee given the sensitivity of the landscape and concerns over the access arrangements.

**1.0 The Site and its Surroundings**

1.1 The proposed development is located on the western fringes of the village of Warton. The site is greenfield and amounts to 0.53 hectares which forms the southern part of a larger 4 hectare field that is currently used for sheep grazing. The application site comprises semi improved grassland, with residential properties located to the east, west and south. To the north of the site lies open fields, with Crag Road located 150m to the north. The site is bound by hedgerows to the west, with hedgerows located to the south. The boundary treatment to the east is predominately of garden fences associated with the properties of Church Hill Avenue. The access associated with the development is proposed to cut through the garden associated with 17 Main Street which consists of mature landscaping. At its lowest point along Main Street the site is approximately 16.5m Above Ordnance Datum (AOD) but it rises to approximately 29m AOD in the north east corner of the site.

1.2 The site is located within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB); located 140m to the east of the Warton Conservation Area, and the closest Listed building is located 145m to the west of the site. The site lies within the District's Countryside Area and Warton Crag, a Site of Special Scientific Interest (SSSI) is located 160 metres to the north.

**2.0 The Proposal**

2.1 The application is made in outline form with only the means of access being applied for. The scheme proposes nine residential units, and an indicative plan has been submitted in support of the scheme outlining seven detached properties and a pair of semi-detached units.

2.2 A new access is proposed that would be located off Main Street being 5.5m in width, which would cut through the existing garden associated with 17 Main Street. To facilitate the access the removal

of some landscaping will be required namely in the form of a Silver Birch, Holly and a mixed shrub group consisting of Holly, Elder and Portuguese Laurel.

### **3.0 Site History**

3.1 There is no relevant site history.

### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	Initially objected, though through dialogue with the applicant <b>no objection</b> is now raised subject to the required sight lines being achieved within the applicant's control of 2.4m x 43m in each direction. The County has since confirmed that the visibility splays are contained within the applicant's control and within adopted highway.
<b>Arnside and Silverdale AONB</b>	<p><b>Object</b> to the development for the following reasons:</p> <ul style="list-style-type: none"> <li>• The application should be providing 50% of the properties to be affordable housing and meeting a local need;</li> <li>• The development does not meet the mini-brief as set out in the draft AONB DPD;</li> <li>• The development in combination with the development of 13 Main Street (16/00221/OUT) is extending the development further onto the slopes of Warton Crag and the cumulative impact on the village and AONB is of concern;</li> <li>• The development would have a detrimental impact on the landscape character and special qualities of the AONB and will not be delivering affordable or locally needed homes; and,</li> <li>• The development is contrary to National and Local Planning Policy.</li> </ul>
<b>Natural England</b>	Concerns in terms of the increase in recreational pressure on the Morecambe Bay SPA, RAMSAR, SAC and SSSI (over 1km away). However, through dialogue, assuming homeowner packs are provided to new residents NE raises <b>no objection</b> on the basis of recreational pressure on the Morecambe Bay Special Protection Area (SPA). With respect to landscape they wish for further consideration of the impacts on the protected landscape and they <b>have concerns</b> with respect to the height of the dwellings and also the landscape mitigation.
<b>Warton Parish Council</b>	<p><b>Objection</b> to the development:</p> <ul style="list-style-type: none"> <li>• Concerns that the stone wall that would be lost to facilitate the site access;</li> <li>• The development would border a sensitive boundary with Warton Crag;</li> <li>• The development is likely to increase the opportunities for flooding;</li> <li>• There is a need for smaller dwellings and therefore this development goes against the requirements of the AONB Housing provision survey.</li> </ul>
<b>Tree Protection Officer</b>	Initially objected, but following the submission of further information raises <b>no objection</b> subject to a detailed landscaping scheme and the provision of a tree survey, constraints plan, protection plan and tree works schedule as part of any Reserved Matters application.
<b>Planning Policy</b>	The Council's housing needs analysis supports the development of smaller dwellings on this site, whilst the landscape policy cautions against the taller scale of building indicated on the applicant's drawings. Given that all matters have been reserved on this application within a protected landscape, there is not enough detail and certainty that the proposals will meet the high standards expected for design and housing in the AONB. Further information should be sought from the applicant to address these planning policy concerns.
<b>United Utilities</b>	<b>No Objection</b> provided that foul and surface water drainage is drained on separate systems and a surface water drainage scheme is developed within the SuDS hierarchy.
<b>Environmental Health</b>	No observations received within the statutory timescales.

## **5.0 Neighbour Representations**

5.1 67 letters of **objection** have been received raising the following points:

- The application site is Green Belt (NB: the site is not located within the Green Belt);
- Landscape impacts – concerns with respect to the height of the proposed dwellings; dwellings on the site should be limited to single storey units;
- Land ownership concerns;
- Errors within the submission (notably the content of the planning application form);
- Ecological impacts – the development will impact on protected species notably bats;
- Highways – concern regarding how the visibility splays can be achieved; Main Street is busy and there are concerns regarding the interface between the two accesses. There are concerns that the necessary access road would not conform to the maximum gradient for estate roads;
- The development is considered to constitute major development (paragraph 116 of the Framework) and therefore by definition the applicant's proposal should be refused; and,
- The village requires smaller, more affordable property types, not the executive type dwellings this planning application proposes.

5.2 One letter of support has been received pleased that further housing will be built in the village, but wishes for the housing to be affordable.

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

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 – Core planning principles

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and enhancing 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 District Core Strategy Policies

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan Saved Policies

E3 – Development affecting Areas of Outstanding Natural Beauty  
E4 – Development within the Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM25 – Green Infrastructure  
DM27 – The Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM35 – Key Design Principles  
DM41 – New Residential Development  
DM42 - Managing Rural Housing Growth

6.6 Draft Arnsdale and Silverdale Area of Outstanding Natural Beauty (AONB) DPD

AS01 – Development Strategy  
AS02 – Landscape  
AS03 – General Requirements  
AS04 – Housing Provision  
AS09 – Design  
AS13 – Water quality, sewerage and sustainable drainage  
AS25 – W130 Land North of 17 Main Street

6.7 Other Material Considerations

- Arnsdale & Silverdale AONB Management Plan 2014-19;
- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).

**7.0 Comment and Analysis**

7.0.1 The main considerations arising from this planning application are:

- Principle of Development;
- Landscape Impacts;
- Layout;
- Drainage;
- Natural Environment; and
- Highways.

7.1 Principle of Development

7.1.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport to homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM42 of the Development Management DPD sets out a list of villages within which new residential development



will be supported, of which Warton is one and the site is located adjacent to the built up area of the village. Saved Policy E3 of the Lancaster District Local Plan states that proposals within the AONB which would have a significant adverse effect upon their character or harm the landscape quality will not be permitted. The site is within the AONB and therefore paragraph 116 of the NPPF sets out that planning permission should be refused for major developments in these areas except in exceptional circumstances. Given the relatively small scale of the scheme and its relationship to the existing built form of the settlement, it is not considered that it should be treated as major development under the terms of Paragraph 116 of the Framework (a view shared by Planning Policy Officers). The site has been provisionally included within the Draft Arnsdale and Silverdale AONB DPD under Policy AS25-W130 for approximately 16 dwellings and support will be afforded to a scheme, assuming technical constraints such as ecology, drainage, access, landscape and layout are satisfactorily addressed. The local authority cannot demonstrate a deliverable five year housing land supply, and therefore the authority will seek to support sensitively designed sustainable housing schemes in sustainable villages such as Warton, which will make a small but valuable contribution to the district's housing land supply.

- 7.1.2 Local residents have raised concern that only 20% of the dwellings on the site would be affordable homes (2 of the 9 units – equating to 22%), whereas the emerging policy is requiring that at least 50% of the dwellings should be affordable. The local community and the AONB Partnership note that the emerging policy looks to support development proposals where they deliver at least 50% affordable housing. Policy AS04 of the Arnsdale and Silverdale AONB has still to go through examination and therefore the weight attached to this is limited. The adopted position is 20% with delivery on the site, though National Planning Practice Guidance (NPPG) only requires a financial contribution. The applicant has stated that they are amenable to the units becoming Starter Homes or, failing this, shared ownership. The position on Starter Homes is that the national, secondary legislation has still to be passed to allow for the Authority to consider Starter Homes as appropriate means of affordable housing. The Authority would generally seek to see a 50/50 split between rented and shared ownership, but given the small scale nature of this site Officers consider that two of the units should be shared ownership. Confirmation has yet to be received from the applicant to confirm the acceptability of this. Significant weight is attached to the provision of the affordable units.
- 7.1.3 The scheme did initially propose 2.5 storey dwellings but this was reduced to two-storey dwelling houses during the application process following concerns raised by Officers. Many of those raising concern with the application do so on the premise that the house types as proposed do not conform to the AONB Housing Needs Survey (HNS) 2014. It is the case that the HNS showed evidence for smaller and more affordable properties. Whilst local concern is justified, this application does not seek planning permission for matters of scale and layout and therefore the type and scale of dwellings would need to be agreed at the Reserved Matters stage, based on factual evidence at that time which would include the emerging HNS, the results of which are expected imminently.
- 7.2 Landscape Impacts
- 7.2.1 The site lies within the Arnsdale and Silverdale AONB and therefore special consideration needs to be paid to protecting the special landscape qualities. A Landscape and Visual Impact Assessment (LVIA) accompanies the application concluding that the proposed scheme in terms of density, overall mass and location will be visually cohesive with the surrounding dwellings/village and will not have a significant adverse impact on the character of the surrounding AONB landscape types. The assessment does conclude that for dwellings in close proximity there will be certain aspects (i.e. from first floor windows) where there will be a major adverse impact on the current open aspects.
- 7.2.2 Due to the open rolling nature and rising topography of the site it forms a relatively minor part of the rural backdrop to the modern linear extension of Warton and the properties along Main Street assist in screening the site from motorists travelling into the village. The site does form a minor part of the important rural setting to the Warton Conservation Area to the east and is a noticeable element in views from the footpath at the western edge of the Conservation Area and from Warton Crag. It is important to consider the cumulative effects of this planning application, the outline consent for 5 units at land north of 13 Main Street for 5 dwellings (16/00221/OUT) and also the 23 units consented at Warton Grange Farm (15/00847/OUT).
- 7.2.3 Whilst Officers are mindful of the advice shared by Natural England and the AONB Partnership who raise significant concerns regarding the development of this site, Officers consider the site does have the capacity in landscape terms to accommodate nine residential units without resulting in a

significant adverse effect to the character and visual amenity of the AONB. The Council undertook a landscape assessment of the site to establish whether the principle of development on this site could be supported and whilst the assessment was generally positive, it did highlight that single storey dwellings would be a better fit for the landscape given the rising topography. Despite this application and the consented scheme for 5 dwellings north of 13 Main Street (16/00221/OUT), developing dwellings closer to Warton Crag there is still a substantial green buffer between these sites and Crag Road and therefore it is considered that this would be acceptable from a landscape and visual perspective. It is considered that for properties that border the site on Church Hill Avenue (numbers 44, 46 and 37) and those on Main Street (15, 17, 19 and 21), the views experienced from certain aspects of these properties (i.e. 1<sup>st</sup> floor windows) are likely to lead to a significant change in the occupiers' outlook. A right to a view is not a planning consideration, but a loss of outlook is. Given the separation distances as illustrated on the indicative plan it is considered that residential amenity would not be harmed to such a degree to warrant refusal of this application (albeit accepting that there would be an impact). This issue would be examined in detail as part of any reserved matters application.

7.2.4 The application initially proposed to include 2.5 storey dwellings but this was later amended to two storey dwellings. Following discussions with the applicant they have helpfully provided a schedule of maximum levels with 5 of the 9 properties exceeding the ridge height of 46 Church Hill Avenue, but only in the region of by 1.5 metres. Given the sloping nature of the site it is expected that a split level type property may need to be utilised and therefore when viewed from Main Street the properties would be seen as a two storey, but only 1.5 storey when viewed from Crag Road. Whilst the landscape advice advocated the use of single storey dwellings, and whilst a two storey dwelling may exceed the ridge heights of the adjacent properties on Church Hill Avenue, Officers consider that this could be made acceptable on the premise that high quality designs and materials are brought forward as part of any Reserved Matters application.

7.2.5 There is some regret that to access the site this would necessitate the removal of vegetation within the garden space of 17 Main Street as this would open up views for users of Main Street. The Parish Council refers to the potential loss of the attractive stone wall that forms part of the boundary treatment to 17 Main Street, but the applicant's plans show that this wall will be rebuilt to provide the necessary visibility splays. This can be controlled by condition.

### 7.3 Layout

7.3.1 In terms of layout, some amendments would be required to the layout to ensure appropriate garden sizes can be accommodated, but there is no reason to suggest that a high quality scheme cannot be delivered here. It is considered that appropriate separation distances can be achieved to ensure the protection of existing residents on Main Street and also Church Hill Avenue. 17 Main Street is within the control of the applicant and is in region of 15 metres in distance from the side elevation of the nearest proposed dwelling on the indicative layout, albeit there is a difference in land levels between the properties of approximately 2.5 metres. However, this is considered acceptable to protect residential amenity. Given levels Officers recommend a condition requiring finished floor and site levels, which shall include garden spaces so the relationship with the off-site properties can be appropriately considered when full details are known. The northern boundary of the site is a sensitive one. A combination of suitable boundary treatments, whether that is a living fence in combination with a stone wall, with some landscaping will be required and this will require some thought as part of any Reserved Matters application. The rear elevations are also considered important and will need to be considered sensitively as part of any future Reserved Matters application (assuming Members support the recommendation).

### 7.4 Drainage

7.4.1 Warton historically has had problems associated with surface water flooding during extreme rainfall events and this forms a common theme among many of those raising objections to this planning application. The site lies within Flood Zone 1, and therefore at the lowest risk of surface water flooding. During the application process the applicant supplied additional information with respect to some trial pits that were undertaken to establish the suitability of the site for soakaways. Whilst only three trial pits have been undertaken it would appear that the geology of the site is likely to be compatible with a traditional sustainable urban drainage (SuDS) infiltration system for surface water drainage as set out in the outline drainage strategy. A planning condition is recommended that provides for how surface water will be managed on the site, including the access. With respect to

foul water, no objection has been received by United Utilities and it is expected that foul sewage will be collected on a separate system prior to discharge to the public sewer running along Main Street and therefore it is considered that the site can be adequately drained of foul water. However, for completeness a condition is recommended requiring the details of such to be agreed.

### 7.5 Highways

7.5.1 The scheme proposes the creation of a new access via the garden space of 17 Main Street utilising a standard 5.5 metre estate road with a footway to the east taking users down to Main Street. The access road into the site continues northwards for 55 metres until the main developable area of the site is reached. The gradient of the new access would be in the region of 1:9 which is slightly steeper than that generally accepted by the Highway Authority for adoption. However, it is considered that the access road would not be eligible for adoption and therefore privately maintained. The Highway Authority initially had some concerns as they considered that vehicular speed counts should have been undertaken to establish the necessary visibility splays. The applicant then demonstrated on plan that visibility splays in the order of 2.4 metres x 43 metres are possible in each direction, and with this the Highway Authority removed their objection. There was concern that the visibility splays were not within the control of the applicant, but the Highway Authority has since confirmed that they are contained within land under the control of the applicant or within the adopted highway.

7.5.2 The Highway Authority has stipulated a number of planning conditions associated with street lighting and thermoplastic lining to influence vehicle speeds through the village. It is essential that street lighting around the site access is put in place but it is not proportionate for a scheme of 9 dwellings to contribute towards the provision of a further upgrade in street lighting or to provide for details for reducing vehicle speeds through the village.

7.5.3 In light of this, there is no objection from the Highway Authority, and Officers are confident that the required visibility splays can be delivered and protected and that approval of this scheme will not compromise highway safety. It is considered that the scheme is acceptable in highway terms.

### 7.6 Natural Environment

7.6.1 The proposal is in the region of 1km away from the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar site. Natural England has raised concern that the development of this site is likely to result in increased recreational pressure on the foreshore of the bay. This is a small development of dwellings and whilst within walking distance of the bay it is considered that in the interests of protecting the special qualities of the bay all properties would need to have welcome packs made available setting out the special qualities of the bay and the impact dog walking and the like has on wading birds. With this Natural England raises no objection on the basis of ecology to the planning application.

7.6.2 Concern has been raised by the local community with regards to bats utilising the site. The applicant has submitted an ecological appraisal in support of this submission which has involved a site visit by a competent ecologist. The conclusions of their study is that there are over 500 records of seven species of bat within 2km of the site but no records for the site, and whilst there are high quality habitats close to the site where bats are recorded the site is not considered to offer high quality habitat to bats. There are no structures on the site that could offer roosting habitat to bats and 17 Main Street was inspected externally and deemed to offer low level opportunities for use by bats, although no evidence of use by bats was recorded. Furthermore, none of the trees on the site were considered to offer roosting potential for bats. Whilst concerns have been raised by members of the community regarding how the assessment of bats was carried out, the methodology the applicant's ecologist utilised followed guidance from the Bat Conservation Trust. Officers are content that the assessment process is thorough. The ecological assessment contains mitigation/recommendations for this development which includes bat boxes, new planting and restricting light pollution and this can be controlled by planning condition.

7.6.3 The application is accompanied by a tree survey and whilst the Tree Officer objected to the development initially the applicant amended the alignment of the access road and moved plot 9 away from the sycamore tree. Whilst it would have been preferable to include the creation of a copse of woodland there is an improvement in the overall volume of trees to be planted. This will

have to be considered as part of any Reserved Matters application. The Tree Officer has no objection to the development subject to a landscaping scheme being submitted and also an up to date Arboriculture Implications Assessment being submitted with any Reserved Matters application.

## 7.7 Other material considerations

7.7.1 The site is greenfield and consists of semi-improved grassland. There is no evidence of contamination on the site or previous uses that would lead to this, and with this in mind it is considered reasonable to attach a planning condition associated with any unforeseen land contamination. It is also considered appropriate to attach conditions associated with the removal of permitted development rights given the sensitive location of the development together with the provision of electric vehicle charging points.

## 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 two shared ownership affordable housing units; and
- Long term maintenance of non-adopted highways and associated, street lighting, drainage, landscaping, and open space.

## 9.0 Conclusions

9.1 Warton is a village whereby sensitive and sustainable housing schemes will be supported, and after careful consideration it is considered that the erection of 9 dwellings and the associated new access would not have a significant detrimental impact on the special qualities of the AONB. It is considered that the site can be accessed in a safe manner and given the results of the percolation tests it appears as though the site can be drained utilising infiltration methods. There will inevitably be a landscape impact associated with this proposal, but it is considered that given the surrounding built form, whilst there would be harm caused by the development it is considered on balance to be such that would not warrant refusal of this planning application, which would contribute a modest but welcome addition to the 5-year supply of housing. Should Members support this scheme high quality dwelling design and materials should be utilised. With the above in mind and subject to the applicant entering into a Section 106 agreement to provide for 2 affordable housing units and long term maintenance of the non-private spaces, the scheme is recommended for approval.

## Recommendation

That subject to the applicant entering into a Section 106 Agreement to secure the obligations as set out in Paragraph 8.1 of this report Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Restriction on dwelling height to be no more than 2 storeys in height
4. Access arrangements
5. Surface water drainage scheme based on sustainable drainage solutions
6. Maintenance plan for the surface water drainage scheme
7. Provision of a Tree Works Schedule, Arboricultural Method Statement, and Tree Protection Scheme
8. Development in accordance with ecological report mitigation measures
9. Foul water drainage arrangements
10. Unforeseen land contamination condition.
11. Removal of Permitted Development rights
12. Protection of visibility splays
13. Electric vehicle charging Points
14. Finished floor levels
15. Provision of homeowner packs

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

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

**Background Papers**

None

Agenda Item A8	Committee Date 13 November 2017	Application Number 17/00203/VCN
<p align="center"><b>Application Site</b></p> <p align="center">St Georges Quay Development Site St Georges Quay Lancaster Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of conditions 2, 4, 6, 7, 12 and 30 and removal of condition 25 on planning permission 14/01186/VCN to amend the layout to include the substation, agree external materials and detailing of the development, reduce the minimum recess from 100mm to 85mm for doors and windows to the frontage units, to vary the trigger for the implementation of an agreed off-site highway improvement scheme and to remove the requirements for a risk assessment to be agreed alongside Network Rail's operational land).</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Persimmon Homes</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">N/A</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">Extension of Time agreed to 24 November 2017</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">Negotiations to secure an updated remediation strategy and agreement of a deliverable off-site highway improvement scheme.</p>	
<p><b>Case Officer</b></p>	<p>Mrs Jennifer Rehman</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approve</p>	

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

- 1.1 The 3.6ha brownfield site is located between the St George's Quay to the north, the elevated West Coast Main Line embankment, viaduct and Carlisle Bridge to the east and the embankment of the former Glasson branch line to the south west. It is triangular in shape and is relatively flat. It forms part of the wider Luneside East regeneration site. Surrounding land uses (with the exception of the transport corridors that abut the site), are predominately a combination of open space and residential development. At the western corner of the site, an existing nursing home neighbours the site with residential development situated to the east of Carlisle bridge fronting the quayside and also residential development fronting Long Marsh Lane to the south.
- 1.2 The site is located approximately 850m from the edge of the city centre (and the bus station) via St George's Quay and circa 535m to the railway station. St Georges Quay and New Quay Road also form part of the District's strategic cycle network making it a highly sustainable location. There are two principal access routes to the site; one via St George's Quay/Damside Street or the other via Lune Road/West Road/Meeting House Lane. Long Marsh Lane runs alongside the landscaped embankment to the south of the site which provides direct access towards the railway station via Giant Axe recreational fields. Long Marsh Lane also provides a direct route towards the Castle precinct.

- 1.3 The site is allocated as a Housing Opportunity Site in the saved Local Plan and forms part of the wider Luneside strategic regeneration site. The embankments to the south and east of the site contain trees which are protected under Tree Preservation Order No.531(2014) and the site is partly located within flood zones 2 and 3 but does benefit from flood defences. There are no other specific allocations/designations on the site itself.
- 1.4 Nearby, however, there are a number of notable designations that are of interest. The site is situated opposite the River Lune, which is a designated Biological Heritage Site. It is also located circa 1.7km to the east of the Lune Estuary Site of Special Scientific Interest (SSSI) and Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. Lancaster's Conservation Area is situated immediately east of Carlisle Bridge in close proximity to the proposed site where there are a number of important Listed buildings fronting St George's Quay in particular. The Castle and Priory (both Grade I Listed buildings) are elevated above the site approximately 300m away (as the crow flies at its closest point). In addition, the site is located close to a number of important areas of open space including the football grounds at Giant Axe Field, cricket grounds on Lune Road and Quay Meadow.

## **2.0 The Proposal**

2.1 The applicant has submitted an application under Section 73 of the Town and Country Planning Act 1990 to vary a number of conditions attached to planning permission 14/01186/VCN.

2.2 The applicant seeks to vary the following conditions:

Condition 2 – to vary the approved site layout plan to account for the inclusion of a sub-station not previously included.

Condition 4 – to vary the external materials to allow a mix of brick and stone throughout the development and as part of this, update the condition to reflect materials agreed as part of the earlier discharge of condition application.

Condition 6 – to amend the minimum window and door recess from 100mm to 85mm to the frontage properties. The applicants suggested condition is as follows:

*“Notwithstanding the details indicated on the approved plans and supporting documents, the windows and doors to the properties fronting St George's Quay shall be recessed a minimum distance of 85 millimetres from the face of the outer wall and retained as such at all time thereafter”.*

Condition 12 – to update the refuse/cycle provision within the development site which has resulted in changes to the site layout and parking arrangements.

Condition 25 – the applicant initially sought to vary this condition to allow for commencement of development on site in the areas that do not impact Network Rail assets. The applicant is now seeking to remove the condition on the grounds it is unnecessary as such works are controlled under separate legislation.

Condition 30 – the applicant initially sought to vary this condition to allow commencement on site without an off-site highway scheme being agreed until a later date. Specifically, the applicant sought to vary the condition as follows:

*“Prior to the occupation of the 50th dwelling, a scheme for off-site highway works will be submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme will be implemented prior to the occupation of the 100th dwelling or a timetable that has been submitted to, and agreed in writing by, the Local Planning Authority after which the works shall be completed in accordance with the approved timetable.”*

During the course of the determination period, Officers have been able to secure an agreed off-site highway improvement scheme. The applicant now proposes to vary condition 30 to ensure the agreed off-site highway improvement scheme is implemented in full before the occupation of the 30<sup>th</sup> dwelling.

### 3.0 Site History

3.1 The site has a long and complex planning history. The most relevant planning permissions are listed in the table below:

Application Number	Proposal	Decision
01/01287/OUT	Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses.	Permitted
06/00126/FUL	Modification of conditions 1 and 12 attached to outline planning 01/01287/OUT - to extend the time limit for the submission of reserved matters.	Permitted
07/00442/REM	Reserved Matters Application For Phase 1a Of Luneside East Masterplan: Buildings 5, 7, 8, 9, 12 and 14 only. 11,000 sqm Office Space, Ground Floor Retail Space and Residential Flats, and Discharging of Condition Nos 2, 10, 12, 14, 17, 22, 24, and 30 on Application 01/01287/OUT in respect of Phase 1a.	Permitted
13/01200/FUL	Erection of 149 dwellings with associated landscaping and car parking.	Permitted
14/01186/VCN	Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of condition 2 on planning permission 13/01200/FUL to amend plans for the Greyfriars house type and the apartment blocks).	Permitted
15/01036/VCN	Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of condition 6 on application no. 14/01186/VCN relating to external window reveals to change from 100mm to 50mm).	Withdrawn
16/00574/FUL	Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works.	Permitted

### 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>No objection</b> – the off-site highway scheme has been designed and agreed with the Highway Authority in conjunction with the City Council (as land owner). The trigger that the agreed off-site highway works shall be delivered in full upon the occupation of the 30 <sup>th</sup> dwelling is agreeable.
Contaminated Land Officer	<b>No objection</b> – the contaminated land officer is satisfied with the revised site-specific remediation report which must be conditioned.
Environmental health Officer	Concerns over the method of pile driving and associated noise and vibration levels in relation to the updated report (condition 22).
Network Rail	<b>No objection</b> – Network Rail has confirmed that a Build Asset Protection Agreement is in place between the developer and Network Rail so they have no concerns with development proceeding and the condition being removed.
Electricity North West	Advice that there are ENW assets running across the site therefore care must be taken with any excavation. ENW recommends the developer refers to HSE documents concerning avoidance of danger from underground and overhead services during construction.
Lancaster Civic Society	At the time of compiling this response no comments received.
Conservation Officer	<b>No objection</b>



## **5.0 Neighbour Representations**

5.1 At the time of drafting this report, 7 letters of objection have been received. The majority of the objectors are principally concerned with the proposed variation to condition 30. A summary of the reasons for opposition are as follows:

- Delaying the agreement of off-site road safety measures is not acceptable and would be unsustainable and unsafe;
- Increased traffic as a consequence of the development (and cumulative impacts of other new developments in the area) should be mitigated with the implementation of traffic calming measures before occupation;
- Increased traffic along Long Marsh Lane and surrounding roads leading to increase in noise and air pollution;
- Closure of the road to through traffic at the bridge is an ideal outcome but if this cannot be achieved suitable signage should be sufficient to achieve this;
- Preference for one-way uphill and provision of a footway to Long Marsh Lane rather than no through traffic and closure;
- Long Marsh Lane on the hill has no footway and is poorly lit with blind corners therefore increasingly unsafe for pedestrians/cyclists;
- Failure to mitigate the increase in traffic along Long Marsh Lane towards Castle Precinct would be detrimental to the long term aims to make the Castle a cultural and tourist destination;
- The trees to the embankment should be retained;
- Concerns over vibration during construction;
- There has been standing water on the site – flood risk concerns;
- Access to nearest playground is on Furness Street – crossing facilities on Long Mash Lane should be improved.

Further consultation has been carried out to provide residents with an opportunity to comment on the amended off-site highway works, principally the changes to the direction and flow of traffic along Long Marsh Lane. The consultation period for this expires on 13 November 2017 (Committee date). A verbal update of any additional representations will be provided at the Committee meeting.

## **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  
 Section 6 – Delivering a wide choice of high quality homes  
 Paragraph 56 – 64 – Requiring good design  
 Section 11 – Conserving and enhancing the natural environment  
 Section 12 – Conserving and enhancing the historic environment  
 Paragraphs 120 – 123 – Land stability, contamination and noise  
 Paragraphs 187 – Decision Taking  
 Paragraphs 196 -197 – Determining Applications  
 Paragraphs 203, 206 – 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 The relevant policies of the emerging Local Plan relating to this application site are policies H1 (Residential Development in Urban Areas) and DOS2 (Development Opportunity Sites – Luneside East) of the Strategic Policies and Land Allocations DPD. The former policy recognises that Luneside East can accommodate a quantum of residential development to contribute towards meeting the housing needs of the district and such will be supported subject to compliance with other relevant policies in the Development Plan. The latter policy recognises Luneside East as a development opportunity site with a focus for a residential-led mixed use development. This policy is supportive of the regeneration of this site subject to a number of design-related objectives.

6.4 Saved Lancaster District Local Plan Policies:  
H3 – Housing opportunity site  
SPG 4 – Luneside East Development Brief

6.5 Core Strategy  
SC1 Sustainable Development  
SC4 Meeting the Districts Housing Requirements  
ER2 Regeneration Priority Areas

6.6 Development Management DPD  
DM20 Enhancing Accessibility and Transport Linkages  
DM21 Walking and Cycling  
DM29 Protection of Trees, Hedgerows and Woodland  
DM32 The Setting of Designated Heritage Assets  
DM33 Development affecting Non-designated Heritage assets  
DM34 Archaeology  
DM35 Key Design Principles  
DM36 Sustainable Design  
DM38 Development and Flood Risk  
DM39 Surface water run-off and Sustainable Drainage  
DM41 New Residential Dwellings  
Appendix B – Car Parking standards

## **7.0 Comment and Analysis**

7.1 The main issues in the consideration of this application are as follows:

- Principle of development
- Design and traffic-related implications/considerations arising from the proposed variations to the conditions.

The applicant has submitted an application under Section 73 of the Town and County Planning Act 1990 to vary some of the conditions imposed on the last consent (14/01186/VCN). 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 unamended. It is not therefore a

complete review of the whole development. The critical considerations here will relate to whether the proposed amendments to the conditions would fundamentally go to the heart of the consent and that in their amended form would make the development unacceptable.

7.2 The principle of the redevelopment of the site for housing is rooted in strategic planning policy with the site allocated for housing in the saved local plan (policy H3). Despite the scheme coming forward in isolation from other parts of site allocation and not as aspirational as originally envisaged through the development brief for the site, Persimmon Homes' planning application for 149 houses (13/01200/FUL) was, on balance, supported having regard to benefits of regenerating a large proportion of this former brownfield site. This permission was later varied to allow for some amendments to some of the house types proposed. It is this later permission the applicant seeks to vary. The applicant's proposal does not materially deviate from what was previously permitted. It maintains the same quantum of development, the same layout and principally the same design. Subsequently, the principle of the redevelopment of the site for residential development is not disputed.

7.3 For the purposes of clarity, the following section of the report will address each of the conditions the applicant seeks to vary.

Condition 2 – To vary the approved plans to include a sub-station

At the time the applicant initially sought planning permission it was envisaged that a sub-station was not needed on their part of the site. It now transpires a sub-station is required to service the development. The applicant and Officers have been in negotiations for some time where the sub-station would be best located. During earlier discharge of condition negotiations the sub-station was proposed alongside the pedestrian walkway at its junction with Long Marsh Lane. This was rejected as an unsuitable location due to its visually prominent position which would weaken the "green" gateway into the site from Long Marsh Lane. The amended scheme now proposes the sub-station within the body of the development to the rear of plot 45 within the internal parking court. This has resulted in the loss of two visitor parking spaces from this part of the development. Visually this is relatively discrete and would not unduly compromise the design or layout of the development. This would, however, reduce parking availability for a group of 15 two and three-bed properties from 24 spaces to 22 spaces. This is below the maximum parking standards set out in the DM DPD but given the site's sustainable location and that the development layout could accommodate some modest on-street parking, the provision of the sub-station in the location proposed is considered reasonable and would not unduly conflict with planning policy. Members are recommended to support the inclusion of the sub-station in the position proposed.

7.4 Conditions 4, 6 and 7 – To vary the palette of materials for the external elevations, reduce the window/door recess and maintain a consistency in the colour of windows across the development frontage.

The applicant seeks to update the materials, including external surfacing materials, to be used in the construction of the development. This covers conditions 4, 6 and 7 of 14/01186/VCN. The external materials have by in large been agreed as part of the discharge of condition application(s) and are either consistent or an improvement from what was granted by the parent permission. Where the applicant has sought to amend the external materials and surfacing treatments this has mainly been to improve the overall quality of the development along key routes adjacent and through the development and to add some variety. The applicant seeks to vary the external facing materials to allow a mix of brick and stone, rather than stone throughout as required by the condition. The applicant and Officers have reviewed various brick samples and have now agreed a brick sample that is available and will complement the approved stone. It has some pleasant colourisation and texture to reflect on the brick of the Pump House and the brick built terraces along Long Marsh Lane and should add some interest to the scheme. The composition of where brick and stone will be used within the development is not as organic or varied throughout the whole scheme as Officers would have hoped but on balance it is considered a reasonable response to the built environment in this location. However, to bring the scheme together the external surfacing materials have been vastly improved with a simple palette of high quality Tegula paving blocks consistent with materials used elsewhere in the city. In an ideal scenario we would have been hoping for natural stone and slate across the development. However, at the time the parent permission was being considered this was proven not possible (via viability evidence) and so reconstituted stone and concrete tiles were accepted across the site with the exception of natural slate to the frontage buildings. The mix of brick, stone, slate (to the frontage units) and a thin leading roof tile with high quality surfacing

materials throughout will not be dissimilar to other new development along the quayside and is, on balance, considered acceptable.

- 7.5 Condition 7 required a scheme for the colour of windows and doors to St George's Quay to be agreed with the local planning authority and that this should be matt white, matt dark green and matt dark grey with the intention of each block of development along the quay being a different colour. The applicant and Officers have agreed through the discharge of condition application process that a mix of colours as envisaged by the condition is not necessary to make the development acceptable and that all windows along the site frontage shall be a dark grey. It was agreed that the style of development proposed is not reflective of the former warehouse-styled development further down the quayside where the colour variation is apparent and fitting and instead a more consistent approach to the window colours across this development would work better. To ensure this change results in an improvement to the overall scheme, Officers have secured a high-quality aluminium window to all openings on the front and sides of the development fronting St George's Quay. Officers have also secured as part of the negotiations grey uPVC windows (opposed to white uPVC throughout) to dwellings within the body of the development in prominent locations.
- 7.6 These negotiations are also the basis for justifying the applicant's request to reduce the recess of the frontage windows and doors from 100mm to 85mm as required by condition 6. Whilst there is always a preference for deep reveals to windows/doors to articulate the building elevations, the produced 85mm recess shall be complemented by a modern, powder-coated aluminium window specification rather than UPVC, which is considered a reasonable compromise in the interests of the overall design of the scheme and the wider streetscene. There are no policies within the Development Plan which specifically stipulate required recess measurements but that new development should reflect local vernacular. There are other new housing developments in the locality (Luneside West for example) where a 100mm recess has not been required or provided. Whilst it is acknowledged this development is closer to the Conservation Area boundary and falls within the setting of 2 Grade I Listed buildings, the proposed changes to the window reveal detail along the frontage buildings would not lead to significant harm to the design of the overall development or the setting of these heritage assets. On this basis, Members are recommended to accept the applicant's request for the reduced recess from 100mm to 85mm subject to controlling the improved window specification as part of the re-worded condition. Members are also advised that a condition can be imposed to ensure future occupants do not seek to change these windows in the future (unless like for like).
- 7.7 Condition 12 – refuse and cycle storage  
The developer originally proposed uncovered cycle stands to the fronts of the apartments along St Georges Quay and some within the site. This was a minimal approach in terms of overall provision. This was principally because of the lack of available space within the layout to provide covered cycle storage. It would not be reasonable to require the applicant to remove dwelling units to secure this provision as the number of units and the layout of the development had been accepted and permitted previously. During the discharge of condition application, Officers have re-negotiated improvements to the level and type of cycle storage to be provided. The revised plans now include secure and covered cycle parking for the apartment blocks but in order to achieve this two visitor car parking spaces have been removed from the apartments to the rear of the site and a two further visitor spaces to the apartments along the site frontage. On balance, given the parking standards are maximum standards and the site occupies a sustainable location, the provision for improved cycle provision is considered to outweigh the impacts that may arise from the loss of these visitor parking spaces associated with the development. There are no major changes or implications to the applicant's refuse storage areas other than the design of the refuse compound is now integral to the new cycle stores. The applicant seeks to update the condition by reference to the cycle/refuse plans to reflect the agreed changes. It is noted that the original planning permission does not secure the provision of car parking and its retention. Subsequently, due to the loss of parking, it is considered necessary and reasonable to now impose a condition to secure the car parking is provided before occupation.
- 7.8 Condition 25 – risk assessment for work alongside the railway  
This condition requires a risk assessment and method statement to be agreed with the local planning authority in the interests of railway safety. The applicant sought to vary this condition to enable the risk assessment to be submitted at the point the development would impact Network Rail's assets, (i.e. the development was closer to the railway line/infrastructure). However, during the course of the consideration of this application the applicant has a Build Asset Protection Agreement (BAPA)

now in place with Network Rail. This is a separate agreement between the two parties to ensure the railway line is protected from the impacts of the construction of the development. In this case, it is contended that this existing condition does not meet the condition tests set out in the NPPF as it is a condition requiring compliance with other regulatory regimes, namely Network Rail's asset protection team and therefore fails to meet the tests of necessity. Network Rail has advised that with the BAPA in place they have no objections to the removal of this condition.

### 7.9 Condition 30 – off-site highway works

The applicant sought to vary this condition initially to allow the development to commence and the off-site highway scheme to be agreed before the occupation of the 50<sup>th</sup> dwelling. This caused significant concern to some of the local community. The applicant's original scheme proposed traffic calming measures along West Road and Lune Road and bollards on Long Marsh Lane to prevent this road being a through-route.

7.10 The applicant has commenced on site in breach of this condition. However, the delay has not been on the developer's part. The City Council (as landowner) and the County Council (as Highway Authority) have been working with the local planning authority to secure the applicant's intended proposal on Long Marsh Lane by trying to facilitate a suitable and feasible location for a turning facility. The lack of a turning facility was causing a problem to the Highway Authority initially. Through negotiation a turning head is now proposed along Long Marsh Lane into Giant Axe Field (but not affecting its recreational use). This is agreed in principle with all parties and can be secured via a s278 legal agreement with the Highway Authority.

7.11 The trigger for when the agreed off-site works shall be implemented in full has been subject to detailed discussion. The applicant initially suggested that the off-site highway works could be implemented upon occupation of the 50<sup>th</sup> dwelling. This was supported by a technical highway note expressing the level of traffic associated with 50 dwellings being occupied would not lead to material traffic impacts on Long Marsh Lane and West Road/Lune Road.

7.12 County Highways has advised Officers that they do not accept this trigger for implementation but have subsequently accepted 30 dwellings could be occupied before the off-site highway scheme has to be implemented in full. Subsequently, there are no objections from the Highway Authority in relation to the off-site highway improvement scheme or the amended trigger for implementation. Consultation with the community is still outstanding on this matter, but in light of the objections initially received it is hoped that the proposed traffic calming scheme will be welcomed by most. A verbal update will be provided on this additional consultation. In the meantime, Officers recommend that the proposed traffic calming scheme and the trigger for implementation is reasonable in planning terms and that the applicant's proposal to vary this condition can be supported.

### 7.13 Other matters

An approval under s73 of the Act results in the grant of a new standalone 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). By in large most of the original conditions shall be retained and re-worded to reflect details agreed through the discharge of condition applications and the subsequent determination of this application, including materials, detailing, sustainable design measures, access details, refuse/cycle enclosures, landscaping, external lighting, construction method statements and drainage. Some of these conditions, such as conditions 4, 5 and 7 relating to materials can be merged into a single condition to avoid unnecessary repetition. Condition 1 relating to the time limit to implement the consent will not be repeated as the development has commenced within the 3 year time limit period (before 18 February 2018).

7.14 Condition 19 on the original application required the development to be carried out in accordance with the original site-wide land remediation report. This has now been supplemented by a further amended report (following investigation and modelling) to outline specific development-phase geo-environmental remediation requirements for the development site in compliance with paragraph 120 of the NPPF. The Council's Contaminated Land Officer has reviewed this report and is satisfied with the details therein. The relevant contaminated land condition will therefore need to be revised to reflect this updated, site-specific remediation report.

7.15 Condition 22 relates to a noise impact assessment being agreed with the local planning authority (by condition) if impact pile driving is proposed. The previous assessment was not accepted, though the level of harm caused did not lead to severe impacts due to its short duration. Notwithstanding this, Officers sought a revised noise impact assessment during the course of this application to ensure more appropriate mitigation was secured before any further pile driving started on site. A revised noise assessment has been submitted which includes the following mitigation:

- 1) Limiting piling hours to a maximum of 8 hours a day and not starting work before 09:00
- 2) Limiting the drop height on the piling hammer
- 3) Using a wooden 'dolly' to reduce hammer/pile contact noise
- 4) Duration of piling works is 3-4 days (for phase 2)
- 5) Monitoring of vibration to provide reassurance against property damage; and
- 6) Notification of nearby residents.

The Council's Environmental Health Officer (EHO) indicates that the assessment submitted identifies that during the period of piling there will be significant impacts in terms of noise and vibration and as a consequence mitigation would be proposed. The EHO has queried the piling method noting that during the last period of piling vibration levels were high – but not such that would lead to structural damage. The applicant has responded noting this is the most feasible piling method due to the condition of the ground (buried obstructions) and that they are content their mitigation is sufficient given the short duration of the works. Officers are still in negotiations on this matter, but in any case such can be dealt with via the planning condition. A verbal update will be provided if agreement is reached by the time the application is reported to Committee.

## **8.0 Planning Obligations**

8.1 The original planning application was not subject to a legal agreement. There are no requirements for a legal agreement as a consequence of the proposed changes.

## **9.0 Conclusions**

9.1 The changes proposed by this application are not significant and do not go to the heart of the consent. The amendments to the design and appearance of the development do not materially alter the previously approved development and where there have been some concessions, improvements have been sought elsewhere to ensure the overall design is not weakened. Despite the applicant's initial proposed variation to condition 30, a scheme for off-site highway improvements has now been agreed so the variation now seeks to regulate the present situation (as the developer is continuing to develop in breach of this condition) and vary the trigger for full implementation. The amendments to the trigger for the delivery of the traffic calming scheme is not unreasonable and is proportionate for a scheme of this scale. Subject to outstanding consultation, Members are advised that the applicant's proposed changes can be supported.

## **Recommendation**

That conditions 2, 4, 6, 7, 12 and 30 be varied as set out in the submission and that condition 25 be removed. This Section 73 application can **BE GRANTED** subject to the following conditions:

1. Approved Plans list (reflecting and including additional detail agreed by conditions)
2. In accordance with previously agreed phasing scheme
3. Development to be carried out in accordance with agreed materials plan (list materials and colour of windows and detailing/eaves detail)
4. Minimum recess condition – amended to 85mm in accordance with agreed specification
5. Development to be carried out in accordance with agreed sustainability measures
6. Development to be carried out in accordance with agreed access details
7. Protection of visibility splays (retain as originally worded)
8. Travel Plan condition
9. Refuse and cycle storage provision to be provided and retained
10. Agreed landscaping to be implemented and maintained
11. No development shall occur within 3 m of the base of the functional and disused railway (retain as originally worded)
12. Ecological mitigation to be implemented in full (retain as originally worded)
13. Development to be carried out in accordance with agreed external lighting

14. Separate foul and surface water drainage (retain as originally worded)
15. Development to be carried out in accordance agreed drainage scheme
16. Development to be carried out in accordance with site-specific remediation report (contamination)
17. Development to be carried out in accordance with agreed Construction Method Statement
18. Hours of construction (retain as originally worded)
19. No impact pile driving without noise impact assessment and mitigation being agreed. *TBC subject to ongoing discussions.*
20. Archaeology condition
21. Public sewer condition (retain as originally worded)
22. Development to be carried out in accordance with approved noise mitigation set out in Noise and Vibration report (retain as originally worded)
23. Development to be carried out in accordance with approved secure by design scheme
24. Tree Protection condition (retain but worded tweaked to account for tree protection currently in place)
25. Flood risk assessment condition (retain as originally worded)
26. Agreed off-site highway works comprising traffic calming measures to West Road/Lune Road and the stopping up of Long Marsh Lane as a through-route with a turning head as illustrated on the submitted drawings to be implemented in full before the occupation of the 30<sup>th</sup> dwelling, unless an alternative timetable for implementation is otherwise agreed in writing with the LPA.
27. Removal of PD to limit future occupants inserting new windows/doors to the frontage plots
28. Car parking to be made available before occupation of each dwelling house/apartment block and retained at all times thereafter.

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

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

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

### **Background Papers**

None

<b>Agenda Item</b> A9	<b>Committee Date</b> 13 November 2017	<b>Application Number</b> 17/00868/FUL
<b>Application Site</b> Bay Scaffolding Northgate White Lund Industrial Estate Morecambe		<b>Proposal</b> 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
<b>Name of Applicant</b> Bay Scaffolding Ltd		<b>Name of Agent</b> Michael Harrison
<b>Decision Target Date</b> Extension of time agreed until 19 November 2017		<b>Reason For Delay</b> Deferral by Planning Committee to undertake a site visit
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Refusal

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

1.1 The site relates to an 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 side 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
<b>Lancashire Archaeological Advisory Service</b>	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.
<b>Conservation Section</b>	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.
<b>Environmental Health</b>	Some further information requested, once provided request standard contamination conditions.
<b>Morecambe Town Council</b>	No comments received during the statutory consultation period.
<b>Heaton-with-Oxcliffe Parish Council</b>	<p><b>Object</b> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Loss of the heritage asset which is the only free-standing substantial building remaining known to have been part of WW1 National Filling Station 13.</li> <li>• The justification that the demolition will promote economic growth is spurious and poorly argued</li> <li>• The building has heritage significance as set out in the submitted heritage statement. Consider that it has aesthetic value as a whole, being both imposing and striking, particularly when viewed from the tree-lined cycle-way but emphasise in particular the historical and communal value of the building.</li> <li>• Consider that the communal value is understated in the heritage statement. The White Lund explosions and fires are believed to have been the largest ever in Lancashire and unique in the munitions factory accidents of World War 1 for having lasted for 4 days, terrifying the local population. There has been great public interest and many questions about this unique local disaster. The historical record shows that, despite its out-lying position on the site, the Powerhouse was a focal point for acts of heroism and rescue of the injured.</li> </ul>
<b>County Highways</b>	<b>No objections</b> subject to conditions requiring the provision of cycle and motor bike storage and the submission of a construction, traffic management method statement.
<b>Lead Local Flood Authority</b>	<b>Object.</b> The surface water drainage strategy does not fully comply with the requirements set out in paragraph 30 of the Planning Practice Guidance, and therefore paragraph 103 of the National Planning Policy Framework cannot be satisfied. In particular, it fails to sufficiently estimate the existing pre-development surface water runoff rates or demonstrate that the peak surface water runoff rate from the development for the 1 in 1 year and the 1 in 100 year rainfall events are as close as reasonably practicable to the greenfield runoff rate, but do not exceed the rate of discharge from the development prior to redevelopment for that event.

### 5.0 Neighbour Representations

5.1 1 objection has been received citing that there is a growing interest in this site and the important role played by Lancaster and Morecambe in relation to munitions production during The Great War. It goes on to say that there is value to the community and also nationally to those whose relatives may have worked in National Filling Factories at White Lund. The retention of industrial and wartime heritage of the locality also respects those who lost their lives at White Lund in the service of their country.

**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

**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 as one of the World War One's National Filling Factories. 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 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 largest and most prominent of the few surviving structures of the large Filling Factory and has strong links to this and the explosion that occurred at the site. There is an historic photograph of the building on the Lancaster Museum’s website, below which sets out that the power house and boiler house were vital during the fire and explosions and they carried on their function through the brave efforts of the men employed there, which in turn allowed steam to be supplied to the fireless locomotive used to remove fully loaded railway wagons out of the danger area.
- 7.2.6 The building 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 it provides an important visual link to the past, including in relation to the role that it played during World War One 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. Whilst the heritage statement sets out that its setting within the Filling Factory has been almost entirely lost by the redevelopment as an industrial estate, some links can still be seen by comparing the historic map of the site. The general layout of the road remains and the strong association with the adjacent former railway line can still be appreciated, particularly given its current use as a footpath and cycleway.
- 7.2.7 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 for suitable 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 businesses 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. An additional letter from the Director of Bay Scaffolding to Members of the Planning Committee also sets out that it is an expensive building to maintain and the installation of insulation, heating and ventilation, new floors, stairwells and windows would render a scheme uneconomic. Office use on the upper floors would be undesirable as it requires a more prestigious location and the applicants have had enquiries for small scale workshop and storage uses, motors mechanics and similar operations, all of which require ground floor premises at low rental costs. It goes on to say that, even if economically feasible, the reuse of the building would not overcome one of the main aims of the scheme to provide a comprehensive redevelopment of the larger surrounding site.
- 7.2.8 The planning application contains no detailed evidence to justify the above 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. 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 appears to be in use at present, for the storing and maintaining of scaffolding materials. From the submission, it would suggest 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.

7.2.9 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. Whilst there may be economic benefits to redeveloping the site, these are unclear given the partly speculative nature of the proposal, and it has also not been demonstrated that these could not be achieved through the retention of the historic building on the site. The Lancashire Archaeological Advisory Service points out that the loss of this building could enhance the value of any remaining structures, particularly a surviving magazine structure at the eastern end of White Lund Avenue, and that consideration of the need for at least local designation or other protection may be appropriate. However, from a visit to the local area, it is clear that the former power house is the most substantial and publicly visible structure from the Filling Factory that members of the public would most easily relate to its former use. Whilst future applications in relation to the few other buildings could consider their heritage value, it is likely that the building at the application site has the strongest case for retention.

### 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. 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.

7.6.2 The LLFA has objected to the submitted scheme in that it fails to sufficiently estimate the existing pre-development surface water runoff rates and volumes and fails to demonstrate that the peak surface water runoff rate from the development for the 1 in 1 year and the 1 in 100 year rainfall events are as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but do not exceed the rate of discharge from the development prior to redevelopment for that event. They have set out that post development results indicate a 33.6% increase in peak discharge as a direct result of the proposed development. The surface water drainage strategy also states that attenuation prior to discharge to the watercourse is not viable due to the lack of cover and hydraulic head available between the site and nearby watercourse. Increased runoff and no attenuation prior to discharge will lead to flood risk. It has been advised that the applicant should undertake a detailed hydraulic analysis of the existing piped network and where records of the previously developed system are not available or where the drainage system is not in reasonable working order, then the methods for greenfield peak runoff estimation should be applied.

7.6.3 In response to these concerns, the applicant's drainage consultant has provided a rationale for the drainage strategy. It has been set out that there is no change in peak discharge of surface water as a direct result of the development or any change in runoff volume. Currently 43% of surface water runoff drains to the combined sewer, with the remainder to the watercourse. Following development, 76% will be discharged to the watercourse which they consider better than the existing scenario. Detailed hydraulic analysis is not possible without significant additional work requiring a survey of the watercourse for a considerable distance, a catchment analysis and the creation of a hydraulic model and costs would be high and disproportionate to the project. The LLFA have been consulted on this additional information, and a further update will be provided at the Planning Committee meeting. If this statutory consultee does not consider that these comments overcome their concerns, it is likely that this will be added as a further reason for the refusal of the proposal, as the submission will have failed to demonstrate that sufficient surface water drainage can be provided, and that the development would not increase runoff and potentially lead to flooding.

## 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 no planning obligations 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 has 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 that it 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

<b>Agenda Item</b> A10	<b>Committee Date</b> 13 November 2017	<b>Application Number</b> 17/00965/VCN
<b>Application Site</b> Land At The Hayloft Barn Ashton Road Ashton Lancashire		<b>Proposal</b> Change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay-bys and cycle link, and creation of wildlife pond (pursuant to the variation of conditions 4, 6, 7 and 15 on planning permission 12/00212/CU to delay the creation of wildlife pond and cycle link and for the addition of a vehicle barrier and bin compound)
<b>Name of Applicant</b> Mr Roger Clark		<b>Name of Agent</b> Simon Gillespie
<b>Decision Target Date</b> 28 September 2017		<b>Reason For Delay</b> Referral to committee
<b>Case Officer</b>		Mrs Eleanor Fawcett
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Approval subject to amendments to the vehicle barrier and a Deed of Variation

**(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 Charles for the application to be reported to the Planning Committee due to concerns about the increase in vehicle movements as a result of the cycle link not being in place, which was fundamental to approval being originally granted.

**1.0 The Site and its Surroundings**

- 1.1 The site is located to the south east of Ashton Hall and is accessed via a private road off Ashton Road, which also serves a number of residential dwellings, a garden centre and leisure complexes. It comprises an irregular shaped parcel of land (approximately 2.15 hectares) occupying the eastern portion of a field adjacent to Long Plantation (mixed woodland), together with a smaller triangular parcel of land (approximately 0.09 hectares) around 230 metres further west towards the estuary. The private road also forms part of the application site. An access, areas of hardstanding and a facilities building have been created as part of the previously approved consent for a touring caravan site. It is understood that the site is now operational.
- 1.2 The main part of the site is bound by the private road to the north, dense mature woodland to the east (Long Plantation), and open undulating agricultural land to the south and west. The woodland is protected by a Tree Preservation Order (TPO). There are also a number of individual and groups of trees along the access road that are covered by TPOs. The smaller parcel of land relates to the south western corner of an existing field which lies adjacent to the private road and the Lancaster to Glasson foot/cyclepath. Beyond the field to the north and east is Meldham Wood, which is identified as a Biological Heritage Site. The site is also within the District's Countryside Area, and is close to the Lune Estuary Site of Special Scientific Interest (SSSI). This SSSI is part of the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.



## **2.0 The Proposal**

- 2.1 Planning permission has been previously granted for the change of use of the larger parcel of land from agriculture to a touring caravan site comprising 26 pitches. This proposal involved:
- Cutting and filling of the land to provide appropriate levels for the proposed pitches;
  - The construction of a single storey facilities building to provide ancillary toilets and showers for visitors;
  - The construction of an access road within the site;
  - The formation of lay-bys along the private road linking the site with Ashton Road;
  - Landscaping (including the creation of a wildlife pond); and
  - The creation of a link to the existing cycle path which occupies the former railway line to the west (this is proposed within the smaller parcel of land).
- 2.2 The current application seeks to vary several of the conditions on the original consent. This is to allow the installation of an automatic vehicle barrier and a delay in the implementation of the highway signage, the creation of the pond and the cycle link. The vehicle barrier and associated railings, kerb and operating console have already been installed at the entrance to the main part of the caravan site and are set back slightly from the private road. Adjacent to this is a timber enclosure to provide storage for bins. This was also to be covered by the current application, however, the agent has advised that this will be removed by the end of November 2017. The highway signage, pond and cycle link were all conditioned to be provided prior to first use. Confirmation has been provided from the Highway Authority that the signage should be implemented within October. In terms of the pond, the agent has requested that 2 years be given to create this. The cycle link has not been created as there is a tenant who has rights to the land and the applicant is in the process of Legal proceedings. A two year timescale to create this has been requested.

## **3.0 Site History**

- 3.1 There is an extensive planning history relating to the Ashton Hall Estate, but the most relevant to this proposal is planning consent 12/00212/CU for the change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay-bys and cycle link, and creation of wildlife pond. This was approved following the refusal of a previous application for a similar scheme (11/00548/CU). The resubmission involved minor changes to the vehicular access (which in fact showed the access as it existed on site), and additional detail in respect of the cycle track.

Application Number	Proposal	Decision
12/00212/CU	Change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay-bys and cycle link, and creation of wildlife pond (Re-submission of 11/00548/CU)	Approved
11/00548/CU	Change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay-bys and cycle link, and creation of wildlife pond	Refused against Officer recommendation.
11/0043/TPO	Trees within W1 – trimming of branches overhanging driveway and removal of epicormic growth at base of trees	Approved

## **4.0 Consultation Responses**

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

Consultee	Response
Parish Council	No comments received during the statutory consultation period.
County Highways	The signage has been agreed and should be installed by the end of October.
Environmental Health	No comments received during the statutory consultation period.

<b>Tree Protection Officer</b>	A delay in creation of the cycle link would inevitably have an impact upon the delivery of the approved landscaping scheme. The cycle link element of the landscaping scheme would be delayed. It is unclear whether the proposed addition of a vehicle barrier and bin compound would have potential for an adverse impact on existing trees and hedges.
<b>Natural England</b>	No comments to make.

## **5.0 Neighbour Representations**

5.1 Six pieces of correspondence have been received objecting to the proposal and raise the following concerns:

- Inappropriate design of vehicle barrier
- The original application was only granted because of the proposals to create the pond and access to the cycle track/ footpath and these should be required before the site is brought into use;
- No guarantee that the cycle link can be created because of a tenant on the land and this will result in an increase in vehicle movements, with the only access via Ashton Road.;
- An application for a single dwelling has been recently refused because of lack of amenity and no access to the cycle track;
- Concerns whether the lake will be created;
- Little landscaping has been undertaken;
- The applicant has had adequate time to provide the highway signage; and
- Some trees have been removed at the roadside.

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

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

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

Paragraph 28 – Supporting economic growth in rural areas

Paragraph 32 – Access and Transport

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraph 109 – Protecting valued landscapes and minimising impacts on biodiversity

Paragraph 118 – Conserving and Enhancing Biodiversity

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

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

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

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

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

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan

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

### 6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

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

E4 – Countryside Area

### 6.5 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas  
DM14 – Visitor Accommodation  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
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:

- Highway Safety Issues
- Landscape and Visual Impact
- Residential Amenity
- Ecological Issues

### 7.2 Highway Safety Issues

7.2.1 The application seeks to vary the timescales for the implementation of signage on Ashton Road, to direct visitors to the site, and the creation of the link to the cycleway. The Highway Authority have confirmed that the payment has been made by the applicant in relation to the signs, and these will be attached to the existing directional signs for Ashton Hall. In an email on 11 October 2017, they set out that they have the signs in the depot and they should be displayed within 2 to 3 weeks. It is therefore likely that they will be in place prior to determination of the application. If this is not the case, then an appropriate timescale could be added to the relevant condition.

7.2.2 The original application proposed a link to the footpath and cycleway adjacent to the Lune estuary from the private road which provides access to the site. The link is proposed approximately 230 metres to the west of the part of the site where the caravans will be accommodated and would utilise a triangular piece of land owned by the applicant. This link was required prior to the first operation of the site but has not yet been provided as legal proceedings are ongoing with a tenant of the land. Many concerns have been raised by the neighbours in terms of the delivery of this link and the implications in terms of additional vehicle movements with it not being provided before the site is brought into use. However, whilst a formal link to the cycleway is desirable, it was not considered essential to make the original proposal acceptable.

7.2.3 The Committee report from the approved application considered in detail the suitability of the access to the site. Given the relatively small scale nature of the proposal, it was considered unlikely that the additional traffic movement associated with the development would cumulatively generate unacceptable traffic levels using the access and private road. Subsequently it was considered that the increase in vehicle conflict as a result of the development would also be low. It was recognised that there may be vehicle conflict at the junction and that the visibility does not meet the "*desirable minimum*" standards, and that the Local Planning Authority, in consultation with the Highway

Authority, must make a balanced judgement whether this would warrant a refusal of planning permission on highway grounds. The proposal was assessed against paragraph 32 of the National Planning Policy Framework which states:

*'...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*

Despite the concerns to the contrary, the proposed development, which involves the provision of lay-bys to improve traffic flows on the access road, was considered acceptable from a planning point of view and could not be described as having a 'severe' impact. The provision of the cycle track was not a material consideration in reaching this view.

7.2.4 The application does not seek to remove the condition requiring the link to the cycle path, but does seek to change the date for implementation. Due to the number of concerns raised regarding the implementation, confirmation has been sought from the agent that the link could be created, with the legal issues resolved, and the timescale for this. In response, it has been set out that Notice to Quit has been served on the tenant and arbitration proceedings are underway with a hearing date scheduled for the new year. The agent has also stated that there are already links to the cycle path. However, the link closest to the application site is very informal and is not within the red line of the application boundary so can be given little weight. It has been advised that the cycle link could be provided within two years. There is no reason to believe that this could not be achieved and it is therefore considered to be a reasonable timescale for its implementation given the above. It would be unreasonable, given the relatively small scale of the site, to not allow the applicant to operate the site until the link is in place. It would be difficult to resist the removal of the condition altogether, as it is not considered fundamental to make the scheme acceptable from a highway or sustainability perspective, given the small scale of the site. If the formal link can be created, as set out by the agent, then it would be a strong benefit of the scheme so therefore the two year timescale would be the best option rather than the removal of this altogether.

### 7.3 Landscape and Visual Impact

7.3.1 Some alterations have been made to the access off the private road to the main part of the caravan site that were not covered by the original consent. These include the installation of a vehicle barrier and operating consoles on either side, in addition to associated curbs and railing, and a timber enclosure for bin storage. The barrier is red and white, the posts for the barrier and consoles are red and the railings are light grey. These alterations are quite formal and give an urban appearance to the site's entrance, in contrast to its rural location. Some limited landscaping has been planted to soften this, and clarification has been sought in relation to the species. In this location a timber barrier or field gate would be most appropriate, and could still be automated. However, given the limited views of this, it may be acceptable in its current form if painted in a more subtle colour, such as black or green. There is also a hard surfaced path adjacent to the railings which adds to the urban appearance and the approved landscape plan showed grass verge up to access. The timber structure is also visible from the access, but could be softened by being painted and additional landscaping implemented.

7.3.2 In response to the concerns, the agent has set out that the barrier needs to be visible and of a contrasting colour to the fence, barriers and paths to comply with Guidance M of the Building Regulations. The current appearance, in particular the colour, is considered to be inappropriate in this rural location and the agent has been asked to address this. If it cannot be achieved by painting the current barrier then a different barrier and materials will need to be considered. The agent has also set out that the railings will be painted and screening encouraged, although no details have been given in relation to this. It has also been confirmed that the bin compound will be removed by the end of November 2017. This will help to soften the entrance. Confirmation has been sought in relation to alternative bin storage and in relation to the implementation of all of the approved landscaping as this is required in the first planting season following first use, which would be around this time of year. Only some of the planting appears to have been implemented.

### 7.4 Residential amenity

7.4.1 The private road, which provides access to the site, passes a number of residential properties, but the main part of the site does not lie immediately adjacent to these. It is considered that the alterations to the scheme, including the delay in the implementation of the cycle link, pond and

signage, would not have an unacceptable impact on the amenities of these residential properties.

7.19 Ecological Issues

7.21 The landscaping scheme, approved as part of the previous application, also included the creation of a new wetland habitat which went beyond mitigation and would constitute an enhancement to the local biodiversity. This element of the scheme fully accords with paragraph 118 of the NPPF in relation to biodiversity. The current application seeks to vary the implementation of this to allow it to be created within the next two years rather than before operation. It does appear that at least part of the site is operational, but the rear section has not been fully completed. Given that the pond was to provide for an enhancement rather than as direct mitigation for the proposal, it would be unreasonable to insist that it was provided before the site is brought into use and two years is a reasonable alternative timescale for this.

**8.0 Planning Obligations**

8.1 In relation to the previous consent, the applicant entered into a Section 106 Obligation in order to control the use of the development and the number of pitches within it. As such, a Deed of Variation will be required to link it to this consent.

**9.0 Conclusions**

9.1 The amended timescales to provide the habitat pond and cycle link are considered to be acceptable and would not have a detrimental impact to highway safety, residential amenity or biodiversity. There are still some concerns in relation to the colour and design of the barrier at the entrance of the site and amendments have been sought in relation to this. In term of the highway signage, this is proposed to be provided soon, and is dependent on the Highway Authority.

**Recommendation**

That Planning Permission **BE GRANTED** subject to amendments to the entrance barrier, completion of the Deed of Variation to the original Section 106 Obligation and the following conditions:

1. Development to accord with approved plans
2. Approved details – finish to facilities building, surfacing materials for access and hardstanding, external lighting, boundary treatments
3. Retention of laybys in accordance with plan
4. Provision/ retention of bio-disk treatment plant
5. Approved details of cycle link and creation/ brought into use within 2 years
6. Protection of existing trees, Arboricultural Method Statement and Tree Works Schedule
7. Implementation of approved landscaping scheme including maintenance – timescale of 2 years for pond and to cycle link.
8. Caravan site limited to 26 touring caravans
9. No storage of caravans
10. No residential occupation of caravans; bound register to be kept with evidence of site users main residences.

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

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

**Background Papers**

None

Agenda Item A11	Committee Date 13 November 2017	Application Number 17/01156/FUL
<b>Application Site</b>  81 - 83 Ullswater Road And 2 Rydal Road Lancaster Lancashire LA1 3PT	<b>Proposal</b>  Change of use from a mixed use comprising retail and an associated residential dwelling to a retail unit (A1), 2 bed dwelling (C3) and a house in multiple occupation (C4), and replacement of timber windows with uPVC windows	
<b>Name of Applicant</b>  Mr Tariq Malik	<b>Name of Agent</b>  Mr Bruce Robinson	
<b>Decision Target Date</b>  9 November 2017	<b>Reason For Delay</b>  Committee Cycle	
<b>Case Officer</b>	Ms Charlotte Seward	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Tim Hamilton-Cox for the application to be reported to the Planning Committee on the basis that the proposal seeks to deliver student accommodation in a residential area that should be focused on the city centre instead.

**1.0 The Site and its Surroundings**

- 1.1 The application site falls across three address points - 81 and 83 Ullswater Road and 2 Rydal Road – as it is located on the corner of these 2 roads. The site is situated within an established residential area of Lancaster known as Freehold, which is in a reasonable walking distance of Lancaster city centre for services and shops. Primary and secondary schools, hospitals, open space and a university are all within 1km of the site. There is unrestricted parking on both roads.
- 1.2 Since the late 1960s the properties together have been used as a chemist/shop/post office (shop), and for living accommodation in association with this use. 81 Ullswater Road is the location of the currently vacant shop use, which is understood to last been used for a post office, which spreads out into the ground floor of 83 Ullswater Road. There is living accommodation on the first floor of 83 Ullswater Road, which is internally linked to the shop. There is a 6 bed living accommodation at 2 Rydal Road (and the upper floors of 81 Ullswater Road). This has a link to the shop via an internal door, but the 2 uses can operate separately. The yard at the rear of 81 and 83 Ullswater Road has been delineated such that it currently serves 2 Rydal Road. Currently the shop is vacant, as is the living accommodation at 83 Ullswater Road. Only 2 Rydal Road is currently being utilised.

**2.0 The Proposal**

- 2.1 The application seeks to formally subdivide the existing single planning unit into 3: a shop; a house and a house in multiple occupation. Only limited external alterations are proposed. This proposal would be achieved by the following:

- Formation of a reduced (29sq.m) shop unit (A1 use) on the ground floor of 81 Ullswater Road by separating it from 2 Rydal Road and 83 Ullswater Road. The shop would have no associated living accommodation as a result, but would be served by a toilet and kitchenette;
- Creation of a 6-bed house in multiple occupation (C4) by separating it from 81 and 83 Ullswater Road but over-sailing the shop unit at no.81;
- Creation of 83 Ullswater Road into a 2-bed house (C3) which is separate from the shop unit at 81 Ullswater Road and the house in multiple occupation at 2 Rydal Road;
- Subdivision of the rear yard to create a small amenity space for both 81 and 83 Ullswater Road. Provision will be made for covered cycle storage, a shed and bin storage; and
- Replacement of timber windows with uPVC windows

### **3.0 Site History**

- 3.1 81 Ullswater Road and 2 Rydal Road originally formed the shop and the associated living accommodation. The earliest permission which has been located for this address is for a new shop frontage in 1966. Subsequent to this, in 1968 permission was granted to extend the shop at 81 Ullswater Road into the ground floor of 83 Ullswater Road, retaining living accommodation at the first floor.
- 3.2 Further extensions to the shop were permitted in 1974. An application encompassing the whole site (all three addresses) sought to further extend the dispensary and storage in association with the chemist further into the living accommodation. No plans are held in relation to this application and as such it is not possible to determine whether this was into the living accommodation at 2 Rydal Road or 83 Ullswater Road.
- 3.3 A recently withdrawn application proposed to extend the living accommodation at the 2 Rydal Road into the shop at 81 Ullswater Road, creating an 8 bed dwelling for student accommodation and resulting in the loss of the shop use, whilst utilising 83 Ullswater Road as a separate house in multiple occupation for student accommodation. This application was withdrawn following advice that the application would likely have been recommended for refusal on grounds of the loss of the shop use without any evidence to demonstrate that the community facility is no longer needed and or viable, lack of information in relation to the need for student accommodation and the failure for the 8 bed house to meet appropriate standard of accommodation. With the exception of this recent application, there is no known planning history between the 1970s and current date for the three properties under consideration.

Application Number	Proposal	Decision
2/1/2330 (1966)	New shop front (81 Ullswater Road)	Permitted
2/1/2841(1968)	Conversion of ground floor front room for use as a dispensary in connection with the adjoining chemist shop (83 Ullswater Road)	Permitted
1/74/238	Use of living room and back kitchen as extension to the existing dispensary and the use of 2 upstairs bedrooms for extension to existing stockrooms at 81-83 Ullswater Road, Lancaster (NB: The application site included 2 Rydal Road, 81 and 83 Ullswater Road)	Permitted
17/00840/FUL	Change of use from a mixed use comprising retail and associated residential dwelling to student accommodation comprising one 3 bed property (C4) and one 8 Bed property (sui generis)	Withdrawn

### **4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>No objections</b> subject to a condition to require the agreement of details of the proposed cycle storage and its implementation in full.

<b>Planning and Housing Policy Team (LCC)</b>	Accords with Policy DM44 of the Development Management DPD and the relevant Appendix for standard of accommodation.
<b>Environmental Health (LCC)</b>	No comments received at the time of writing.
<b>City Contract Service (LCC)</b>	No comments received at the time of writing.

## **5.0 Neighbour Representations**

5.1 One letter of objection has been received. The material planning considerations raised are in relation to car parking provision, over supply of student accommodation and a desire for the properties to be used as family homes. Two letters of concern has been received by two Councillors, with one requesting that the application be considered at Committee.

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

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

- Paragraphs 7, 14 and 17: Sustainable Development and Core Principles
- Paragraphs 49: Presumption in favour of sustainable development for housing development
- Paragraphs 32: Access and Transport
- Paragraphs 56, 63-65: 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 Lancaster District Core Strategy (adopted July 2008)**

- SC1: Sustainable Development
- SC2: Urban Concentration
- SC4: Meeting the District's Housing Requirements
- SC5: Achieving Quality in Design



6.4 Development Management Development Plan Document (DM DPD)

- DM20: Enhancing Accessibility and Transport Linkages
- DM22: Vehicle Parking Provision
- DM35: Key Design Principles
- DM41: New Residential Dwellings
- DM44: Residential Conversions
- DM46: Accommodation for Students
- DM49: Local Services
- Appendix B: Car Parking Standards
- Appendix D: Purpose built and converted shared accommodation

**7.0 Comment and Analysis**

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

- Principle
- Meeting housing need
- Standard of housing and impact on neighbouring residential amenity
- Highways impact
- External alterations

7.2 Principle of development

7.2.1 Policy seeks to direct housing development to sustainable locations. Policy SC2 of the Core Strategy seeks to direct 90% of all new dwellings within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth.

7.2.2. This proposed conversion lies within an established residential part of Lancaster. The site is conveniently located to services which can be accessed on foot, and there are several bus stops located on Ullswater Road. The creation of a 2-bed house and 6-bed house in multiple occupation would be well related to services, shops and bus services. Given the location of this development within the urban centre, within an established residential area, within reasonable walking distance to services and open space, and having access to sustainable forms of transport, the development of this site for C3 housing is supported in principle, subject to other planning matters being acceptable. The matter of the C4 use is discussed in more detail below.

7.2.3 The currently vacant shop will be retained as part of the proposal, albeit with a reduced floor space. As there is no policy requirement to protect against the loss of a retail floor space unit outside of the protected retail frontage, the loss of a small amount of A1 floor space does not conflict with the local plan in this regard. Policy DM49 does protect local services, which includes local shops, but only from the loss of the use or building. Therefore the retention of this unit, albeit with a reduced floor area, is not contrary to policy.

7.3 Meeting Housing Need

7.3.1 The Lancaster District Strategic Market Housing Assessment identifies a clear outstanding need for housing in the district. Policy DM41 of the Development Management DPD requires that new residential development must provide an appropriate dwelling mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.

7.3.2 This proposal would be contributing towards an overall outstanding housing need. The return of 83 Ullswater Road to a 2-bed terraced house would be directly meeting a need (size and type) identified in the Council's Housing Needs Survey. The creation of a 6 bed house in multiple occupation is also meeting a direct market need, namely for students.

7.3.3 Concern has been raised that the living accommodation will be used for student accommodation. The proposal does not specifically identify the proposed occupants of the property, but it does seek to create a house in multiple occupation (HMO - C4 use). A C4 use is not supported unless it meets an identified local housing need. The Council is aware of one such need within Lancaster is for students. With a university less than 1km away, the property is within a 10 to 15 minute walk of a

further education establishment. Therefore if this element is to be acceptable its occupancy must be controlled by condition. Whilst it is acknowledged that the existing building is being utilised in part as a 5-bed HMO, there is no lawful fallback position as the property is currently 1 planning unit in a mixed use with internal links between the different parts of the building. This application is formally applying for this separate C4 use and therefore it must comply with the local planning policies. The Ward Councillors want to see student accommodation focused on the city centre in line with emerging local planning policies, but as the new Local Plan is still in its pre-submission stage, the weight that can be applied to such emerging policy carries very limited weight.

## 7.4 Standard of housing and impact on neighbouring residential amenity

7.4.1 All new dwellings are required under Policy DM35 to be of a good design. This includes having an appropriate level of outlook, privacy and be free from overlooking or overshadowing. Appendix D is specific to the standards required for purposed built or shared accommodation. This includes space requirements and provision of facilities within each room. The creation of the house in multiple occupation at 2 Rydal Road has to meet these requirements.

7.4.2 The principle rooms at 83 Ullswater Road have an acceptable outlook, and the nature of the property as a historic terraced property, means that there is an appropriate level of privacy for the property. The kitchen window would not benefit from much direct sunlight, and the rear yard in part will be overshadowed by the proposed boundaries but it would not present an impact that was unduly adverse, especially given the urban grain of the area. The proposal includes dedicated bin storage and secure cycle storage. Subject to a conditions relating to bin and cycle storage, the proposed conversion of 83 Ullswater to a 2-bed house would provide an acceptable standard of accommodation.

7.4.3 The plans for 2 Rydal Road clearly show that the en-suite bedrooms are of the appropriate size and provide for all the facilities required. The shared facilities on the ground floor include a kitchen, dining room and living room, which are adequate for 6 people sharing. The outlook from the primary living spaces meets standards. Whilst the outlook from the kitchen window is at ground level and may be somewhat over shadowed the roof lights would compensate for this. The external amenity space is limited providing for bin space and a shed for 4 cycles. Overall the conversion at 2 Rydal Road has demonstrated that it meets the requirements of Appendix D providing an appropriate standard of accommodation, subject to a conditions relating to bin and cycle storage.

7.4.4 This proposal would amount to the retention of a shop, and the creation of one dwelling and the creation of one house in multiple occupation. Residential uses within this established residential part of Lancaster is considered to be appropriate to the context and would not amount to any adverse amenity impacts on the neighbouring properties. The formation of a shop would have little change on the area given that a slightly larger A1 unit already exists within the existing building. Therefore the change to the character and amenity of the area would be limited.

7.4.5 The relationship of the two houses to the retained shop would also be considered acceptable. The shop is currently vacant. However, it could be used for uses that fall within use class A1 without any restriction on opening hours etc. The scale of the shop unit together with the nature of uses that fall within this class tend to be suitable in residential areas and as such are unlikely to promote any amenity concerns. The current permitted development order does allow for changes from this permitted use, however any change to a restaurant or café, or to assembly and leisure use must go through the prior approval process which would enable assessment of any impacts relating to noise/odour/waste/opening hours and therefore would take into account the impact on the residential accommodation at that point. In summary it is considered that the A1 use would not adversely affect the amenity of the proposed 2 residential units or the surrounding residential properties subject to controlling its hours of use and timing of its deliveries.

## 7.5 Highways Impact

7.5.1 The proposed location of the residential units meets Development Management Policy DM20 as it is located within convenient access for walking and cycling to service provision, and access to public transport. Policy DM22 and Appendix A of the Development Management DPD require a maximum of 2 car parking spaces for a 2/3 bed dwelling, and 3 parking spaces for a 4 bed plus dwelling. This proposal makes no provision for parking within the application site. There is, however, unrestricted parking on sections of Rydal Road and Ullswater Road.

7.5.2 County Highway has raised no objection to the lack of parking nor for the use of any of the surrounding highway network for parking. Whilst it is acknowledged that the unrestricted parking is well used, in reality this proposal, whilst it is formalising the separation of the two houses and the shop, the parking generated by the existing living accommodation at 83 Ullswater Road and 2 Rydal Road would not materially change. Whilst there is no formal parking provision as part of this proposal, the proximity of the location to public transport options and services accessible by foot, means that on balance this is a location where no parking provision can be considered to be acceptable. Likewise the retail unit is accessible on foot to a significant local population.

7.5.3 Provision is made for secure cycle storage at the rear of both properties. For 81 Ullswater Road the provision of 2 cycle spaces can be considered acceptable. The provision of 4 cycle spaces for 2 Rydal Road is two less than the required standard as set out in Appendix D, but County Highways has not objected to this level of provision. Subject to a condition requiring the agreement of final details of the storage and its implementation by an appropriate timescale the provision of secure, covered cycle storage can be considered acceptable.

## 7.6 External Alterations

7.6.1 The existing building at 83 Ullswater Road already has the external appearance of a separate dwelling. This application will essentially result in the return of this property to its original intended use. 2 Rydal Road is also already used as a 6 bed dwelling and has the external appearance of a dwelling. In addition the existing shop has an attractive shop frontage, although it is in need of some maintenance.

7.6.2 The proposed changes are limited to replacement windows. Currently the property has attractive timber sash windows which add to quality of the appearance and character of the property. It is recognised that these look like they require maintenance. The proposal seeks to replace with uPVC windows which are of a similar appearance. This site is not within a Conservation Area, it is not a Listed building and within the immediate context there are a range of window types and material. In this case to require the retention of timber window would be difficult to argue. Furthermore, given that 2 Rydal Road and 83 Ullswater Road would benefit from permitted development rights once the development is implemented, to prevent the use of uPVC would require permitted development rights being removed. In this case, it is considered that the quality of the windows could be adequately controlled by a condition requiring details to be agreed prior to installation.

## 8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application as the proposal falls below the threshold for affordable housing provision or contributions.

## 9.0 Conclusions

9.1 The proposed development would positively retain a self-contained shop to serve the residential area of Freehold, and create an independent 2-bed terraced house and a separate 6-bed house in multiple occupation. Both residential units would provide accommodation that meets local needs, be of an appropriate standard and is in a location that can be considered sustainable. The proposal would make limited acceptable external changes and would not have an adverse impact on neighbouring residential amenity. It is considered that issues of occupancy, window details, bin and cycle storage, and hours of opening and deliveries can be adequately controlled by condition of any permission granted. On this basis the application should be supported.

## Recommendation

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

1. Standard 3 year timescale
2. Development to accord with approved plans
3. Secure and covered cycle storage to be submitted and agreed, and implemented in full prior to occupation and retained at all times
4. Details of windows and doors to be agreed
5. Bin storage to be provided in full and retained at all times

6. Student occupancy condition for the C4 use
7. Hours of use and deliveries to the retail unit

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

**Background Papers**

None

<p><b>Agenda Item</b></p> <p>A12</p>	<p><b>Committee Date</b></p> <p>13 November 2017</p>	<p><b>Application Number</b></p> <p>17/01120/FUL</p>
<p><b>Application Site</b></p> <p>Orchard House Uggle Lane Lancaster Lancashire</p>	<p><b>Proposal</b></p> <p>Retrospective application for the erection of a dwelling</p>	
<p><b>Name of Applicant</b></p> <p>Mr T P West</p>	<p><b>Name of Agent</b></p> <p>JMP Architects</p>	
<p><b>Decision Target Date</b></p> <p>Extension of time until 17 November 2017</p>	<p><b>Reason For Delay</b></p> <p>Committee Cycle</p>	
<p><b>Case Officer</b></p>	<p>Mrs Petra Williams</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Abi Mills for the application to be reported to the Planning Committee on the basis that the proposal raises concerns of overlooking and loss of privacy, highways issues and loss of outlook to the detriment of residential amenity and layout and density of building design.

**1.0 The Site and its Surroundings**

- 1.1 The site which forms the subject of this application is located between the western side of Uggle Lane and the railway line in the Scotforth area of Lancaster. The subject property is a two storey detached dwelling which has been erected with an east/west orientation on the site of a former orchard and is located approximately 40 metres to the south of the junction of Uggle Lane with Lawson Close. The surrounding area is predominantly residential in character, and the two storey semi-detached properties on Lawson Close to the north, which back on to the site, have long rear gardens (between 20 metres and 23 metres).
- 1.2 In addition to the subject property, Uggle Lane provides the sole means of vehicular access to three other dwellings, namely Uggle House, Farr Bank and Uggle Cottage and to outbuildings/garages associated with three properties on Ashford Close to the east.
- 1.3 The west coast main line runs in a north/south direction within a cutting adjacent to the western site boundary. A large TPO tree is positioned against the north eastern corner of the site close to the site entrance. Uggle Lane is a privately maintained, single track (un-adopted) bridleway (no 52) which narrows significantly to the south of Farr Bank. The application site remains unallocated within the Lancaster District Local Plan proposals map and there are no other designations which affect the site.

## **2.0 The Proposal**

2.1 The application seeks retrospective consent for the erection of the detached dwelling, including an attached garage. The application seeks to regularise matters after it has come to light that following approval of application 14/00144/REM for the erection of a 4-bed detached dwelling on the site, the development has not been carried out in accordance with the approved plans and therefore the development as constructed is technically unauthorised.

## **3.0 Site History**

3.1 Previous applications 10/01303/OUT and 14/00144/REM have previously been approved in relation to the erection of a single dwelling on site.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>14/00144/REM</b>	Reserved matters application for the erection of a detached dwelling	Permitted
<b>10/01303/OUT</b>	Outline application for the erection of a new dwelling	Permitted

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Tree Protection Officer</b>	<b>No objections</b> – details are required of the proposed planting scheme at the site which can be addressed through a landscaping condition
<b>National Grid</b>	Provided advice regarding a low pressure gas pipe line which runs through the eastern edge of the site in a north/south direction. These comments will be provided with the decision notice for the attention of the applicant.
<b>National Rail</b>	<b>No objections.</b> Comments relating to works in proximity to the railway line will be provided with the decision notice for the attention of the applicant.
<b>County Highways</b>	Initial objections retracted as consultee was under the impression that the submission was for an additional dwelling when first consulted. Revised comments suggest that consideration be given to the implementation of appropriate measures to ensure that the surface of Uggle Lane is maintained to an appropriate standard.

## **5.0 Neighbour Representations**

5.1 Five letters of objection have been received which raise the following points:

- Amenity concerns - loss of privacy to Lawson Close due to overlooking (including from opening first floor windows on north elevation and rear access door), garden of new dwelling is overlooked by Lawson Close properties, lack of 2.2m rendered wall to northern boundary, flat roof of garage could be used as a terrace, this larger building is overbearing and results in overshadowing
- Highway concerns – increased traffic, misuse of passing places, safety of pedestrians, traffic speeds and reversing traffic along lane, questioning the implementation of works to the lane
- Drainage concerns – removal of vegetation within the application site has resulted in the rear gardens of Lawson Close becoming boggy
- Breaches of planning control – site fires, construction works occurring outside of permitted hours, lack of governance/accountability from Lancaster City Council, building significantly bigger
- Design concerns – not in keeping with houses in the area, building is an eyesore, lack of soft landscaping
- One letter objects on the understanding that an additional property is being applied for.

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

6.1 National Planning Policy Framework (NPPF)

## 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 Development Management Development Plan Document (DM DPD) Policies

DM35 – Key Design Principles

## **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
- Neighbouring residential amenity
- Highways and parking issues

### 7.2 Principle of the development

7.2.1 The principle of the development of the site with a single dwelling, including access and layout was initially established under application 10/01303/OUT. The design, scale and appearance of the development was subsequently accepted following approval of 14/00144/REM for a 4-bedroom dwelling. Therefore it is considered that the principle of the development is acceptable.

### 7.3 Design, scale and appearance

- 7.3.1 On the face of it the submission largely reflects the plans previously approved under 14/00144/REM in terms of the design and appearance. The two storey property has a hipped roof with an attached flat roof garage which projects 8 metres from the front (eastern) elevation. The main roof is finished in grey tiles and the lower portion of the elevations has a smooth rendered finish. Window frames are dark grey and plans indicate that the upper part of the elevations will be finished in cedar weatherboarding with black aluminium gutters and downpipes. Overall it is considered that the development is acceptable in terms of design and appearance.
- 7.3.2 The issue of scale is a key consideration as the 'as built' dimensions do not fully accord with those of the previously approved plans. The submitted Design and Access Statement sets out that the site boundary to the south of the site when originally surveyed was approximate and that during construction the site was found to be wider than surveyed. Consequently the building was built slightly wider to maintain the same relationship to the boundary. This has effectively resulted in the width of the property being 1.2m wider than previously approved with the increased footprint area taking a southerly direction. The agent has submitted a plan which indicates the line of the previously approved scheme over a drawing of the 'as built' development which clearly shows the changes which include a height increase from 7 metres to 7.4 metres. Footprint measurements have also been taken by the Enforcement Officer and show minimal increases to the original approved plans. Consequently it is considered that these increases are marginal and have not resulted in an unacceptable increase in the scale of the scheme.
- 7.4 Neighbouring residential amenity
- 7.4.1 It is acknowledged that the submission has raised a number of concerns from neighbours in relation to increased scale, overlooking and loss of privacy as a result of the development. As part of the consideration of the current scheme the Case Officer visited numbers 2 and 3 Lawson Close in order to fully assess the impacts of the development from that aspect. These properties are a pair of semi-detached houses which occupy an elevated position in relation to the development site. They also both have single storey extensions which project 3 metres from the rear elevation. Although these extensions are not indicated on the submitted plans, the distances involved from the rear of these properties to the northern elevation of subject property are in excess of the guidelines provided by policy DM35. This policy sets out that there should normally be 21 metres between dwellings where windows of habitable rooms face each other and 12 metres where a habitable room faces on to a side wall with no such window. In this case the distance from the rear extensions of 2 and 3 Lawson Close to the two storey northern elevation of the subject property is 23 metres.
- 7.4.2 Although the northern elevation of the subject property contains two windows at first floor, these were conditioned to be obscure glazed as part of the Reserved Matters approval in 2014. However, the neighbours have raised concerns regarding the opening of these windows which leads to the perception of overlooking and it is considered reasonable to re-word this condition to ensure that these windows are obscure glazed and non-opening. Occupants of Lawson Close have also raised concerns regarding the applicant's use of their rear access door which faces west but is located on the northern side of the property. Again, the distances involved are considered satisfactory and it is accepted that within residential development there will be a degree of mutual overlooking of garden areas and this is indeed evident in the vicinity between properties on Lawson Close. Nevertheless, details of a solid 2.2 metre high boundary can be conditioned to be submitted, agreed and implemented as previously imposed.
- 7.4.3 Concerns have also been raised regarding the possible use of the garage roof as a balcony or sitting out area as it could potentially be accessed from first floor windows within the front elevation of the property. It is therefore considered appropriate and reasonable to include a condition to prevent this in the interest of neighbouring residential amenity. The issue of landscaping has also been raised and this point was conditioned as part of the original scheme but planting has not yet been implemented. This is an additional point that can be addressed through a landscaping condition requiring details to be submitted and carried out within an appropriate timescale and maintained accordingly. This will ultimately provide softening and screening when viewing the site from the rear of Lawson Close.
- 7.4.4 It is clear that there is a degree of frustration held on behalf of the neighbours due to the fact that the development has not been built in accordance with the original approved plans. However, it is considered that the 'as built' development is not substantially different from the 2014 scheme and



therefore, subject to appropriate conditions, the current scheme is acceptable in terms of neighbouring residential amenity.

7.5 Highways and parking issues

5.5.1 The development includes a sizable garage as well as an external parking and turning area. In terms of access to the site from Lawson Close this is via an un-adopted lane. However, highway matters were fully considered at the outline stage and it is understood that the applicant at that time, who also owned and developed another plot within the lane (Uggle House), was responsible for the creation of passing places which now exist and a minor widening of the entrance to Uggle Lane.

7.5.2 County Highways have visited the site and noted a level of surface deterioration along Uggle Lane and has suggested that consideration should be given to the maintenance of the lane. However, the lane is not within the control of the applicant and therefore this point could not be conditioned.

7.5.3 It is noted that neighbours have raised concerns regarding highway safety issues resulting from the development due to the increased use of the lane by vehicles which could result in conflicts with pedestrians and other users of this bridleway. However, as highlighted above, highway matters were fully considered and assessed at the outline stage and found to be acceptable and therefore a refusal on highway grounds at this stage would not be warranted.

**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 submission represents an acceptable approach in terms of design, scale and residential amenity in addition to highway considerations. Overall it is considered that the scheme is in compliance with the relevant Development Plan policies and guidance provided in the NPPF. As such the proposed development is considered acceptable from a planning point of view, subject to appropriate conditions. It is recommended that Members support the scheme.

**Recommendation**

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

1. Development in accordance with the approved plans
2. Sample of cedar weatherboarding
3. Windows of northern elevation to be obscure glazed and non-opening – 3 months from date of decision to implement
4. No use of garage roof as balcony of sitting out area
5. Submission and implementation of hard and soft landscaping scheme
6. Details of boundary to be submitted and implemented
7. Removal of permitted development rights for extensions, windows, doors and outbuildings
8. Garage use restriction
9. Hours of construction

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

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

**Background Papers**

None

<b>Agenda Item</b> A13	<b>Committee Date</b> 13 November 2017	<b>Application Number</b> 17/00947/FUL
<b>Application Site</b> Craggs Of Conder Green Thurnham Mill Thurnham Lancaster		<b>Proposal</b> Erection of extension to existing agricultural retail premises, and change of use of agricultural retail storage area to general self-storage units (B8)
<b>Name of Applicant</b> Mr Richard Cragg		<b>Name of Agent</b> Mr Luke Godden
<b>Decision Target Date</b> Extension of time agreed until 17 November 2017		<b>Reason For Delay</b> Deferral for Committee site visit
<b>Case Officer</b>		Mrs Petra Williams
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Refusal

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee on the basis that the proposal supports a local business which should be encouraged in the countryside.

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

**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:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>17/00451/FUL</b>	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
<b>04/00878/FUL</b>	Erection of agricultural machinery sales and repairs building	Permitted
<b>95/01309/FUL</b>	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:

<b>Consultee</b>	<b>Response</b>
<b>Environment Agency</b>	<b>No objections</b> 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.
<b>Environmental Health</b>	<b>No comments received</b>
<b>County Highways Canal and Rivers Trust</b>	<b>No objections</b>
<b>Parish Council</b>	<b>No comments received</b>

## **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 sets out that the business needs to diversify due to changes and fluctuations in the farming industry and 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 agent has submitted five letters of support for the scheme which have been provided to the applicant from local business operators who appear to be looking to store stock and/or expand their business. The business operators are listed as follows:
- Operator of a Mini and Midi digger hire company based in Galgate
  - A builder based in Thurnham
  - A tyre fitter based in Galgate
  - A roofer based in Glasson Dock
  - A painter and decorator based in Galgate
- 7.2.7 This raises the issue of the possibility of the applicant sub-letting units to other businesses if consent is granted. As highlighted earlier in this report, self-storage facilities generally provide space for rent to individuals on a short-term basis. To clarify, it is generally understood that such storage facilities seek to provide the public with the opportunity of storing bulky items, such as furniture, sports equipment, or large quantities of boxes. People moving house, or those who are going to work abroad and want somewhere to lodge their furniture, may use this type of storage as a temporary measure. Self-storage units are not planning units from which an individual businesses can base

its business and operate from. Consequently it is considered that these letters of support do not demonstrate a need for what the applicant has applied for.

7.2.8 The agent has also provided a short letter from the accountant who acts on behalf of the applicant. This letter confirms that the business has undergone a number of changes recently as one of the business's main suppliers have transferred their products to a nearby competitor and another key supplier have allowed nearby rivals to stock their machines. The business also has a declining customer base due to consolidation within the farming sector and depressed farming gate prices. Consequently the impact on the business is significant and without diversification the viability of the business is in question. Although the Local Planning Authority has sympathy with the applicant, it is considered that the form of diversification proposed in this application would result in an unsustainable form of development.

7.2.9 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 unsustainable 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

<b>Agenda Item</b> A14	<b>Committee Date</b> 13 November 2017	<b>Application Number</b> 17/01151/FUL
<b>Application Site</b> The Storey Meeting House Lane Lancaster Lancashire		<b>Proposal</b> Replacement of a timber door with a powder coated automated aluminium door to the rear elevation
<b>Name of Applicant</b> Ms Sarah Price		<b>Name of Agent</b> Mr David Barton
<b>Decision Target Date</b> 22 November 2017		<b>Reason For Delay</b> None
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

- 1.1 The Storey Institute was designed by Paley and Austin and constructed between 1887 and 1891. The Institute, which is of significant architectural and historic merit, occupies a prominent corner position at the junction of Meeting House Lane and Castle Hill. The building dominates the approach to the Castle Hill Precinct and contributes significantly to the city's townscape. The building is constructed in sandstone ashlar with a slate roofs, and is in Jacobean Revival style. It has façades on two fronts, with a turret on the corner, with a lead dome surmounted by a spirelet.
- 1.2 The Storey, as it is now known, is a centre for creative industries and also contains a café as well as the Tourist Information Centre. The building is used by a number of businesses and hosts a variety of events including business conferences, seminars and networking, film, music and theatrical recitals, literacy performances, workshops and art exhibitions.
- 1.3 The Storey is a Grade II Listed building. The site is within the Lancaster Conservation Area and the gardens are designated as Urban Greenspace in the Lancaster District Local Plan. There are numerous other Listed buildings within the vicinity of the application site.

**2.0 The Proposal**

- 2.1 The application seeks planning permission for the installation a powder coated automated aluminium door in place of an existing timber door to the north facing rear elevation

**3.0 Site History**

- 3.1 There is a considerable planning history relating to the Storey Institute, predominantly seeking Listed



Building Consent for minor internal and external alterations. The most relevant is detailed below.

Application Number	Proposal	Decision
98/00060/LB	Listed Building application for construction of a ramp and steps	Permitted

#### **4.0 Consultation Responses**

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

Consultee	Response
Conservation Officer	<b>No objection</b> subject to condition to be powder coated finish to match adjacent colour scheme.
Property Services	No observation received within the statutory timescale.

#### **5.0 Neighbour Representations**

5.1 No observation received at the time of writing, statutory timescale expires on 27<sup>th</sup> October 2017

#### **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 Principles

Paragraphs **56, 57, 60** and **64** – Requiring Good Design

Paragraphs **131 to 134** – Conserving and Enhancing the Historic Environment

##### 6.2 Development Management DPD

**DM4** – The Creation and Protection of Cultural Assets

**DM30** – Development affecting Listed Buildings

**DM31** – Development affecting Conservation Areas

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

**DM35** – Key Design Principles

##### 6.3 Lancaster Core Strategy

**SC5** – Achieving quality in design

##### 6.4 Local Planning Policy Overview – Current Position

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

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

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

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

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

## **7.0 Comment and Analysis**

7.1 The key issue to consider in determining this planning application is whether the proposal is considered acceptable in terms of its impacts upon the historic fabric and architectural merit of the Grade II Listed building, setting of adjacent heritage assets and the Lancaster Conservation Area.

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

7.3 DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

7.4 Whilst the proposal is not for a new building, the same criteria apply when assessing the application. The existing solid timber door is used as a fire escape, but has been identified as the most suitable location for a disabled access from The Storey Institute building to the associated garden area. The proposed development is required to improve accessibility and increase independence for people with disabilities travelling from the main building to the soon to be restored Taste Garden, thereby improving access for all. The proposed new door requires an automated opening mechanism and tall glazing panel to provide visibility through for those about to enter or exit the building. The principle of this development is considered to be acceptable and compatible with the use of the building, subject to a sympathetic design that does not detract from the heritage assets.

7.5 The design of the proposed aluminium and glazed doorway has been amended to reduce the area of glazing following advice from the Council's Conservation Team. The amended door is to feature 1.8 metre tall glazing panel just 0.17 metres wide, with the remaining door constructed of aluminium frame with an aluminium panel. This solid appearance is considered to be sympathetic to the Listed building in this location. Although replacing an existing timber door with more modern aluminium and glass materials, these materials are considered to be suitable given that there are existing examples of both aluminium and steel plated doors to the rear elevation of The Storey. The new door is to be installed within the existing door opening, and the proposed design, materials and finish are considered to cause no undue harm to the Listed building, subject to a condition to be powder coated in a colour to match the adjacent colour scheme.

7.6 The north facing rear elevation of The Storey is visually contained by adjacent buildings and boundary treatments, and is not visible from a public aspect external to the site. The development

will therefore have negligible impact upon the Lancaster Conservation Area and setting of nearby Listed buildings.

**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 concluded that the scale and design is appropriate, and that the historic fabric and architectural features of The Storey Institute and surrounding Conservation Area and setting of Listed buildings will be preserved by the scheme. The proposal is therefore considered to accord with the provisions of policies DM4, DM30, DM31, DM32 and DM35 of the Development Management DPD. Members are advised that this application can be supported.

**Recommendation**

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to amended approved plans
3. Door finished in a matt colour to match adjacent colour scheme

**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

<b>Agenda Item</b> A15	<b>Committee Date</b> 13 November 2017	<b>Application Number</b> 17/01207/LB
<b>Application Site</b> The Storey Meeting House Lane Lancaster Lancashire		<b>Proposal</b> Listed Building application for the replacement of a timber door with a powder coated automated aluminium door to the rear elevation
<b>Name of Applicant</b> Ms Sarah Price		<b>Name of Agent</b> Mr Dave Barton (Design Group - Projects Team)
<b>Decision Target Date</b> 23 November 2017		<b>Reason For Delay</b> None
<b>Case Officer</b>		Mr Andrew Clement
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

**(i) Procedural Matters**

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

**1.0 The Site and its Surroundings**

- 1.1 The Storey Institute was designed by Paley and Austin and constructed between 1887 and 1891. The Institute, which is of significant architectural and historic merit, occupies a prominent corner position at the junction of Meeting House Lane and Castle Hill. The building dominates the approach to the Castle Hill Precinct and contributes significantly to the city's townscape. The building is constructed in sandstone ashlar with a slate roofs, and is in Jacobean Revival style. It has façades on two fronts, with a turret on the corner, with a lead dome surmounted by a spirelet.
- 1.2 The Storey, as it is now known, is a centre for creative industries and also contains a café as well as the Tourist Information Centre. The building is used by a number of businesses and hosts a variety of events including business conferences, seminars and networking, film, music and theatrical recitals, literacy performances, workshops and art exhibitions.
- 1.3 The Storey is a Grade II Listed building. The site is within the Lancaster Conservation Area and the gardens are designated as Urban Greenspace in the Lancaster District Local Plan. There are numerous other Listed buildings within the vicinity of the application site.

**2.0 The Proposal**

- 2.1 The application seeks Listed Building Consent for the installation a powder coated automated aluminium door in place of an existing timber door to the north facing rear elevation.

**3.0 Site History**

- 3.1 There is a considerable planning history relating to the Storey Institute, predominantly seeking Listed

Building Consent for minor internal and external alterations. The most relevant is detailed below.

Application Number	Proposal	Decision
98/00060/LB	Listed Building application for construction of a ramp and steps	Permitted

#### **4.0 Consultation Responses**

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

Consultee	Response
Conservation Officer	<b>No objection</b> subject to condition to be powder coated finish to match existing colour scheme other external doors on the building.
Property Services	No observation received within the statutory timescale.

#### **5.0 Neighbour Representations**

5.1 No observation received at the time of writing, though the statutory timescale expires on 27 October 2017 so any comments received will be verbally reported to the Planning Committee.

#### **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 Principles

Paragraphs **56, 57, 60** and **64** – Requiring Good Design

Paragraphs **131 to 134** – Conserving and Enhancing the Historic Environment

##### **6.2 Development Management DPD**

**DM4** – The Creation and Protection of Cultural Assets

**DM30** – Development affecting Listed Buildings

**DM31** – Development affecting Conservation Areas

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

**DM35** – Key Design Principles

##### **6.3 Lancaster Core Strategy**

**SC5** – Achieving quality in design

##### **6.4 Local Planning Policy Overview – Current Position**

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

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

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

prepared they may be adopted by the Council, potentially in 2018.

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

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

## **7.0 Comment and Analysis**

- 7.1 The key issue to consider in determining this Listed building application is whether the proposal is considered acceptable in terms of its impacts upon the historic fabric and architectural merit of the Grade II Listed building, setting of adjacent heritage assets and the Lancaster Conservation Area.
- 7.2 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32.
- 7.3 DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
  - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
  - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- 7.4 Whilst the proposal is not for a new building, the same criteria apply when assessing the application. The existing solid timber door is used as a fire escape, but has been identified as the most suitable location for a disabled access from The Storey Institute building to the associated garden area. The proposed work is required to improve accessibility and increase independence for people with disabilities travelling from the main building to the soon to be restored Taste Garden, thereby improving access for all. The proposed new door requires an automated opening mechanism and tall glazing panel to provide visibility through for those about to enter or exit the building. The principle of the works is considered to be acceptable and compatible with the use of the building, subject to a sympathetic design that does not detract from the heritage assets.
- 7.5 The design of the proposed aluminium and glazed doorway has been amended to reduce the area of glazing following advice from the Council's Conservation Team. The amended door is to feature 1.8 metre tall glazing panel just 0.17 metres wide, with the remaining door constructed of aluminium frame with an aluminium panel. This solid appearance is considered to be sympathetic to the Listed building in this location. Although replacing an existing timber door with more modern aluminium and glass materials, these materials are considered to be suitable given that there are existing examples of both aluminium and steel plated doors to the rear elevation of The Storey. The new door is to be installed within the existing door opening, and the proposed design, materials and finish are considered to cause no undue harm to the Listed building, subject to a condition to be powder coated in a colour to match the adjacent colour scheme.
- 7.6 The north facing rear elevation of The Storey is visually contained by adjacent buildings and

boundary treatments, and is not visible from a public aspect external to the site. The works will therefore have negligible impact upon the Lancaster Conservation Area and setting of nearby Listed buildings.

**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 concluded that the scale and design is appropriate, and that the historic fabric and architectural features of The Storey Institute and surrounding Conservation Area and setting of Listed buildings will be preserved by the scheme. The proposal is therefore considered to accord with the provisions of policies DM4, DM30, DM31, DM32 and DM35 of the Development Management DPD. Members are advised that this application can be supported.

**Recommendation**

That Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Works to be carried out in accordance to amended approved plans
3. Door finished in a matt colour to match existing colour scheme other external doors on the building.

**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.

## Planning & Highways Regulatory Committee - Quarterly Reports

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



(a) Planning Application Determination Timescales

Period	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
Jan - Mar 2016	100%	57%	76%	64%	83%	81%
Apr - Jun 2016	100%	73%	83%	51%	95%	84%
Jul - Sep 2016	100%	60%	88%	64%	96%	83%
Oct – Dec 2016	100%	67%	96%	68%	99%	83%
Jan - Mar 2017	90%	67%	99%	64%	99%	70%
Apr - Jun 2017	100%	94%	100%	63%	99%	83%
Jul - Sep 2017	<b>100%</b>	<b>90%</b>	<b>98%</b>	<b>91%</b>	<b>100%</b>	<b>90%</b>
Oct – Dec 2017						

Year	Major Applications Determined In Time *	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Time *	Minor Applications Determined In Under 8 Weeks	Other Applications Determined In Time *	Other Applications Determined Under 8 weeks
2012 Average	47%	47%	55%	55%	66%	66%
2013 Average	63%	59%	65%	65%	82%	82%
2014 Average	88%	75%	59%	58%	69%	68%
2015 Average	95%	64%	46%	43%	64%	63%
2016 Average	100%	65%	86%	62%	93%	83%
2017 Average #	<b>97%</b>	<b>84%</b>	<b>99%</b>	<b>73%</b>	<b>99%</b>	<b>81%</b>

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

# Annual Average to Date Only

(b) Number of Planning Applications and Related Cases

	Jan-Mar 2016	Apr-Jun 2016	Jul-Sep 2016	Oct-Dec 2016	2016 TOTAL	Jan-Mar 2017	Apr-Jun 2017	Jul-Sep 2017	Oct-Dec 2017	2017 TOTAL
Major Applications	18	21	14	24	<b>77</b>	25	12	22		
Minor Applications	63	93	79	87	<b>322</b>	70	79	88		
Other Applications	188	194	189	171	<b>742</b>	184	207	191		
Discharge of Planning Condition Applications	59	65	44	43	<b>211</b>	50	56	40		
Non-Material Amendment Applications	14	16	12	18	<b>60</b>	12	11	14		
Variation of Legal Agreement/Condition Applications	5	2	2	5	<b>14</b>	3	3	4		
Prior Approval (Commercial/Householder PA, Flexible Use etc) Applications	15	19 *	11	9	<b>54 *</b>	14	11	9		
<b>TOTAL NUMBER OF DECISION-MAKING APPLICATIONS</b>	<b>362</b>	<b>410 *</b>	<b>351</b>	<b>357</b>	<b>1480 *</b>	<b>358</b>	<b>379</b>	<b>368</b>		
<b>Pre-Application, Consultations and EIA Screening/Scoping Opinions</b>										
Environmental Screening and/or Scoping Opinions	5	8	2	6	<b>21</b>	8	2	8		
Infrastructure Planning Commission Consultations	0	0	0	0	<b>0</b>	0	0	0		
Pre/Post-Application Advice Submissions or Charged Meetings (inc. Specialist Heritage Advice)	54	35	33	36	<b>158</b>	31	40	47		

\* includes one Ecclesiastical Exemption application

(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
616 (2017)	06.07.17	Rose Garth, Stanmore Drive, Haverbreaks, Lancaster	T1-T4
617 (2017)	06.07.17	5 Gillison Close, Melling	T1-T3
618 (2017)	11.07.17	Yealand Hall, Silverdale Road, Yealand Storrs	T1
619 (2017)	02.08.17	270 Torrisholme Road, Lancaster	T1
620 (2017)	10.08.17	Land North Rectory Gardens, Lancaster Road, Cockerham	T1-T5, G1-G7
621 (2017)	11.08.17	Land South Bank Well, The Row, Silverdale	A1
622 (2017)	15.08.17	57 Thirlmere Road, Lancaster	T1
623 (2017)	23.09.17	Lune Industrial Estate, New Quay Road, Lancaster	T1-T12, G1-G2
624 (2017)	22.08.17	Eagle's Nest Wood, Crook o' Lune, Lancaster	W1
625 (2017)	22.08.17	Nazareth House, Ashton Road, Lancaster	W1
626 (2017)	30.08.17	Cow Close Wood, Land off Lindeth Road, Silverdale	W1
627 (2017)	01.09.17	Storey Gardens, Meeting House Lane, Lancaster	W1
628 (2017)	11.09.17	20 Castle Park, Hornby	T1-T6 and G1
629 (2017)	15.09.17	7 Riverside Close, Halton	T1 and T2
630 (2017)	20.09.17	Maggots Woods, Castle View Caravan Park, Capernwray	W1
631 (2017)	27.09.17	35 Scotforth Road, Lancaster	T1
632 (2017)	28.09.17	Marina House, Lundsfield, Kellet Road, Carnforth	T1-T6 and G1

\* T = Individual Tree; G = Group of Trees; W = Woodland of Trees; A = Area of Trees.

(d) Number of Applications for Works to Trees

	<b>Applications for Works to Trees Protected by Tree Preservation Orders</b>	<b>Applications for Works to Trees Protected by Conservation Area Status</b>
January-March 2016	15	21
April-June 2016	22	12
July-September 2016	23	22
October-December 2016	22	23
<b>TOTAL APPLICATIONS 2016</b>	<b>82</b>	<b>78</b>
January-March 2017	18	19
April-June 2017	21	25
July-September 2017	18	27
October-December 2017		
<b>TOTAL APPLICATIONS 2017</b>	<b>57 to date</b>	<b>71 to date</b>

(e) Planning Appeal Decisions

<b>Application Number</b>	<b>Application Site</b>	<b>Proposal</b>	<b>Appeal Decision</b>
<b>17/00005/ENF</b>	134 West End Road, Morecambe	Appeal against Enforcement Notice – rear extension	Enforcement Notice upheld (Appeal against notice fails – appeal against timescale for compliance allowed - Timescale for compliance extended from 3 months to 6 months)
<b>17/00006/ENF</b>	134 West End Road, Morecambe	Appeal against Enforcement Notice – rear extension	Enforcement Notice upheld (Appeal against notice fails – appeal against timescale for compliance allowed - Timescale for compliance extended from 3 months to 6 months)
<b>16/01351/FUL</b>	Land To The South East of Lower Addington Farm, Kirkby Lonsdale Road, Halton	Erection of an agricultural building for free-range hens and creation of a new access point	Appeal Dismissed
<b>16/01598/FUL</b>	Field 4900, Hazelrigg Lane, Ellel	Installation of 4 lighting columns and a single 5 metre high wind turbine	Appeal Dismissed

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

Period	Number of Current Live (Allocated) Enforcement Cases (at the time of compiling this table)								New Cases Received Within the Quarter	Closed Cases Within the Quarter
	Breach of Condition	Conflicts with Approved Plans	(Separate) Conservation Area Development	Unauthorised Adverts	Unauthorised Development	Unauthorised Use	Untidy Land (& Tipping)	Works Affecting a Listed Building		
Jan – Mar 2016 *	-	-	-	-	-	-	-	-		
April-June 2016 *	-	-	-	-	-	-	-	-		
Jul - Sep 2016 *	-	-	-	-	-	-	-	-		
Oct - Dec 2016	33	20	2	28	89	53	20	19	71	99
Jan - Mar 2017	32	19	2	31	92	62	24	43	113	75
Apr - Jun 2017	38	14	3	28	85	73	25	30	107	88
Jul - Sep 2017	43	23	3	40	93	85	26	27	116	90
Oct - Dec 2017										

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

(g) Planning Enforcement Casework – Performance Standards

Period	Breaches Remedied Within 60 Working Days	% of Cases closed within the Quarter where the Initial Investigations were concluded within Enforcement Charter Standards	% of Cases where Notice Compliance Site Visits Occurred Within 5 Working Days	Number of New Notices Issued by Enforcement Officers
Jan – Mar 2017	36%	80%	50%	3
April-June 2017	30%	64%	100%	9
Jul – Sep 2017	40%	56%	75%	6
Oct – Dec 2017				
<b>2017 AVERAGE/ TOTALS</b>				
Jan - Mar 2018				
Apr - Jun 2018				
Jul - Sep 2018				
Oct - Dec 2018				
<b>2018 AVERAGE/ TOTALS</b>				

## LIST OF DELEGATED PLANNING DECISIONS

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
17/00104/DIS	Land Adjacent To , Bulk Road, Lancaster Discharge of conditions 8 and 10 on approved application 16/01084/FUL for Mr John Hartnett (Bulk Ward 2015 Ward)	Split Decision
17/00106/DIS	Site Of Former Broadway Hotel, Marine Road East, Morecambe Discharge of condition 6, 7, 8, 9 and 10 on approved application 17/00311/VCN for Mr Michael Stainton (Bare Ward)	Split Decision
17/00119/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of conditions 3 and 4 on approved application 16/00298/REM for Mr Richard Wilshaw (Bulk Ward 2015 Ward)	Initial Response Sent
17/00130/DIS	5 & 6 Cable Street, Lancaster, Lancashire Discharge of conditions 4 and 5 on approved application 15/01369/LB for Lancaster Student Limited (Bulk Ward 2015 Ward)	Initial Response Sent
17/00133/DIS	Land Off Sycamore Road, Brookhouse, Lancashire Discharge of conditions 6, 8, 9, 11, 12 and 15 on approved application 14/00270/OUT for Oakmere Homes (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00134/DIS	Dam Head Farm, Procter Moss Road, Ellel Discharge of conditions 3, 4 and 5 on approved application 16/00600/CU for Mr J Fox (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00137/DIS	26 Grafton Road, Heysham, Morecambe Discharge of conditions 3, 4, 6, 7, 10 and 11 on approved application 14/00220/FUL for Mr T Lewis (Heysham North Ward 2015 Ward)	Application Permitted
17/00139/DIS	Land At , Carnforth Brow, Carnforth Discharge of condition 8 on approved application 16/00798/REM for Loxam Riley Ltd Loxam Riley Ltd Loxam Riley Ltd (Carnforth And Millhead Ward 2015 Ward)	Split Decision
17/00140/DIS	Land Off Sycamore Road, Brookhouse, Lancashire Discharge of conditions 3 and 5 on approved application 14/00270/OUT for Oakmere Homes (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00142/DIS	Land Adjacent To , Bulk Road, Lancaster Discharge of conditions 11 and 12 and part discharge of conditions 6 and 15 on approved application 16/01084/FUL for Mr John Hartnett (Bulk Ward 2015 Ward)	Split Decision
17/00146/DIS	Longlands Farm, Longsands Lane, Cowan Bridge Discharge of conditions 1 to 5 on previously approved application 17/00816/LB for Mr & Mrs Coates (Upper Lune Valley Ward 2015 Ward)	Initial Response Sent



LIST OF DELEGATED PLANNING DECISIONS

17/00147/DIS	Lancaster Volkswagen, Vickers Way, Heaton With Oxcliffe Discharge of conditions 3 and 4 on approved application 17/00271/FUL for David Cox (Westgate Ward 2015 Ward)	Application Refused
17/00152/DIS	Halton Mill, Mill Lane, Halton Discharge of condition 15 on approved application 14/01108/FUL for Mr I Hilliker (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00153/DIS	Halton Mill, Mill Lane, Halton Discharge of condition 16 on approved application 14/00200/FUL for Mr Ian Hilliker (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00156/DIS	Cockshotts Barn, Lodge Lane, Wennington Discharge of condition 3 on approved application 17/00687/FUL for Mr J Holt (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/00157/DIS	26 Grafton Road, Heysham, Morecambe Discharge of condition 5 on approved application 14/00220/FUL for Mr T Lewis (Heysham North Ward 2015 Ward)	Application Permitted
17/00177/DIS	7/7A Poulton Road, Morecambe, Lancashire Discharge of conditions 4, 6 and 7 on previously approved application 14/00141/CU for Mr Lance Baxter (Poulton Ward 2015 Ward)	Application Permitted
17/00477/FUL	1-11 Kelne House, 1-10 Covell House , And 1-11 Chennel House, Castle Park Mews Installation of upvc windows at 1-11 Kelne House, 1-10 Covell House and 1-11 Chennel House (excluding windows on Chennel House which face West Road) to replace timber windows for Residents Of Castle Park Mews (Castle Ward 2015 Ward)	Application Permitted
17/00502/CU	Former Co-Op Building, John Street, Carnforth Change of use of rear part of former Co-Op Building into six 2-bed flats (C3) and a separate office unit (B1) including external alterations and associated parking for John Benson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00556/LB	Willow Cottage, Main Street, Arkholme Listed building application for the demolition of existing extension, erection of a two storey side extension and single storey extension to the rear, realignment of first floor rear windows, removal of external stone stair, blocking up of rear external doorway and removal of lean-to structure to the rear; in addition to altered rear extension footprint, altered window frames, roof light insertions, reinstatement of ground floor front elevation window stone surrounds and infilling of openings, alterations to front boundary wall including access gates, retention of north-east vehicular access, and repointing for Mr Richard Clark (Kellet Ward 2015 Ward)	Application Permitted
17/00566/FUL	Beechcroft, Hazelrigg Lane, Ellel Erection of 2 storey front extension, installation of a raised replacement roof to create an additional storey including raised eaves and ridge, construction of a replacement dormer extension to the rear, 2 dormer extensions to the front and construction of a balcony to the front for Ms J Watson (University And Scotforth Rural Ward)	Application Permitted
17/00708/FUL	Woodburn Farm, 52 Low Road, Middleton Erection of a detached dwelling for equestrian worker for Miss H. Diviny-Day (Overton Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

17/00738/FUL	Marina House, Lundsfield, Kellet Road Demolition of existing attached garage and erection of single storey side and rear extensions for Gerald Murphy (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00739/FUL	Marina House, Lundsfield, Kellet Road Erection of a detached dwelling and garage for Gerald Murphy (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00749/FUL	Red Roofs, White Lund Road, Morecambe Demolition of existing dwelling and detached garage and erection of a new detached dwelling with attached for Mr & Mrs D Welch (Westgate Ward 2015 Ward)	Application Permitted
17/00759/GOV	HM Lancaster Farms, Far Moor Lane, Lancaster Installation of 5.2m high security fencing for Mr Jonathan Cooper (Bulk Ward 2015 Ward)	Application Permitted
17/00778/CU	20 Hale Carr Lane, Heysham, Morecambe Retrospective application for the change of use of land for the siting of 8 caravans for Mrs P Brockhill (Heysham Central Ward 2015 Ward)	Application Permitted
17/00805/FUL	Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe Change of use of part of site occupied by 50 touring caravans to land siting 36 static holiday caravans, demolition of shower block and alterations to site layout to accommodate a total of 125 static holiday caravans. for Tom Hill (Overton Ward 2015 Ward)	Application Permitted
17/00825/FUL	The Bothy, Burrow Road, Burrow Demolition of existing dwelling, associated annexe and outbuilding, erection of a replacement detached dwelling and conversion and extension of existing garage into a two storey detached holiday cottage for Mr & Mrs Eglin (Upper Lune Valley Ward 2015 Ward)	Application Refused
17/00858/FUL	Restarigg Farm, Kirkby Lonsdale Road, Arkholme Change of use of land to form domestic garden and retrospective application for retention of a raised soil bank, vehicular access and filter pump house for Martin Mulligan (Kellet Ward 2015 Ward)	Application Permitted
17/00894/ELDC	Stable End And New Croft Berry's Farm , Conder Green Road , Conder Green Existing Lawful development certificate for the use of the buildings known as Stable End and New Croft as single residential dwellings (falling within Use Class C3) in breach of conditions of planning permission 06/00664/CU for Mr Anthony and Eric Lawson (Ellel Ward 2015 Ward)	Lawful Development Certificate Refused
17/00897/VCN	Land Adjacent Bank Barn, Crag Road, Warton Erection of a detached dwelling with associated new access (pursuant to the variation of condition 2 on planning permission 15/00449/FUL to substitute the approved plans) for Mr And Mrs D Hawkins (Warton Ward 2015 Ward)	Application Permitted
17/00909/ADV	Chancellors Wharf, Aldcliffe Road, Lancaster Advertisement application for the display of 1 non-illuminated fascia sign for Lancaster University (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00914/FUL	21 Washington Close, Lancaster, Lancashire Construction of a raised decking area to the rear for Ms Sarah Tait (Marsh Ward 2015 Ward)	Application Permitted
17/00934/FUL	3 Rays Drive, Lancaster, Lancashire Demolition of existing garage and erection of part single part two storey rear extension for Mr Tony Rigg (Scotforth West Ward 2015 Ward)	Application Permitted
17/00941/CU	18 Fairhope Avenue, Morecambe, Lancashire Retrospective application for the change of use of land to form part of domestic curtilage and erection of an outbuilding for Mr Edwin Greenhalgh (Torrisholme Ward 2015 Ward)	Application Permitted
17/00943/FUL	Water Treatment Works, Littlefell Lane, Lancaster Demolition of existing workshop, erection of replacement workshop and siting of a container for Mr Matthew Buckley (University And Scotforth Rural Ward)	Application Permitted
17/00946/FUL	Grange Court, Hasty Brow Road, Slyne Demolition of existing storage building and erection of a deer livestock, storage and fawn nursery building for Mr Brakewell (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00957/FUL	77 - 81 Penny Street, Lancaster, Lancashire Change of use of part of retail space (A1/A2) to ancillary student use, erection of a single storey infill extension to the front and the creation of a new entrance for Mr Stephen (Castle Ward 2015 Ward)	Application Permitted
17/00969/LB	21 Yealand Road, Yealand Conyers, Carnforth Listed building application for internal secondary glazing window units for Mr & Mrs Dawn and Brian Hancock (Warton Ward 2015 Ward)	Application Permitted
17/00976/FUL	Blackwood End, Bay Horse Road, Ellel Creation of an earth banked slurry lagoon for Mr John Fox (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00986/CU	5-7 Great John Street, Lancaster, Lancashire Change of use of shop (A1) and associated office and storage into cafe (A3) and yoga studio (D2) for Ms N Temple (Castle Ward 2015 Ward)	Application Permitted
17/00987/LB	5-7 Great John Street, Lancaster, Lancashire Listed building application to facilitate the change of use of shop into a cafe and yoga studio for Ms N Temple (Castle Ward 2015 Ward)	Application Permitted
17/00990/CU	18 Clarence Street, Morecambe, Lancashire Retrospective application for change of use of ground floor chiropody (D1) to additional living accommodation for existing dwelling (C3) for Mr White (Poulton Ward 2015 Ward)	Application Permitted
17/00999/FUL	The High Farm, Docker Lane, Arkholme Creation of an earth banked slurry lagoon for Mr Geoff Pye (Kellet Ward 2015 Ward)	Application Refused
17/01001/FUL	Brookhouse Old Hall, Brookhouse Road, Brookhouse Erection of two storey detached dwelling with detached garage for Mr Martin Horner (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn
17/01002/ELDC	10 Newmarket Street, Morecambe, Lancashire Existing lawful	Lawful Development

## LIST OF DELEGATED PLANNING DECISIONS

	development certificate for the continued use of the property as a hot food takeaway (Class A5) for Mrs Saima Safdar (Bare Ward 2015 Ward)	Certificate Granted
17/01012/FUL	Glenfield, Bottomdale Road, Slyne Demolition of outbuilding and erection of detached single storey ancillary accommodation for Mr Martin Horner (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01016/FUL	18 Bateman Road, Morecambe, Lancashire Erection of a two storey and part single storey side extension for Dr Trevor Shackleton (Poulton Ward 2015 Ward)	Application Permitted
17/01019/FUL	12 Woodrush, Morecambe, Lancashire Erection of a single storey side extension for Mr & Mrs Pemberton (Bare Ward 2015 Ward)	Application Withdrawn
17/01023/FUL	31 Kingfisher Drive, Heysham, Morecambe Erection of a single storey rear extension for Mr J. Davies (Heysham South Ward 2015 Ward)	Application Permitted
17/01024/FUL	316 Lancaster Road, Morecambe, Lancashire Change of use of first floor shop (A1) to 1-bed flat (C3), construction of a dormer extension to the rear and erection of a single storey rear extension for Mr N. Palamountain (Torrisholme Ward 2015 Ward)	Application Permitted
17/01026/FUL	Fleet Green, Thwaite Lane, Tatham Change of use of and erection of a first floor extension to agricultural barn to provide additional living space for existing dwelling for Mr Andrew Ball (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01027/FUL	Blackwood End, Bay Horse Road, Ellel Erection of an extension to existing agricultural building for Mr John Fox (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01031/FUL	Saddle Farm, Kit Brow Lane, Ellel Retrospective application for the construction of a menage, alterations to land levels, creation of a new access track and erection of a field shelter for Mrs Fiona Bowery (Ellel Ward 2015 Ward)	Application Permitted
17/01034/PAA	Higher Addington Farm, Addington Road, Nether Kellet Prior approval notification for change of use of an agricultural building to 2 dwellings (C3) for Mrs Dennison (Kellet Ward 2015 Ward)	Prior Approval Granted
17/01035/VCN	Willow Cottage, Main Street, Arkholme Demolition of existing extension, erection of a two storey side extension and a single storey extension to the rear and creation of a new access (pursuant to the variation of conditions 2, 3, 5, and 7 and removal of condition 6 on planning permission 13/01207/FUL to amend the approved plans and associated reports) for Mr Richard Clark (Kellet Ward 2015 Ward)	Application Permitted
17/01039/LB	Storrs Cottage, Kirkby Lonsdale Road, Arkholme Listed Building application for internal alterations to the ground floor layout and the installation of rooflights and a replacement door to the existing side extension for Mrs J Gaunt (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/01041/FUL	Holme Cottage, Lancaster Road, Caton Demolition of existing garage and erection of replacement garage for Mr & Mrs J Walling (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01042/FUL	The Sycamore, Dobs Lane, Glasson Dock Demolition of existing garage and part of existing bungalow and the erection of a part single storey and part two storey extension to the rear for Mr Lamb (Ellel Ward 2015 Ward)	Application Permitted
17/01046/ADV	KFC, 110 Penny Street, Lancaster Advertisement application for the display of 3 externally illuminated fascia signs and 2 externally illuminated hanging signs for B Patel (Castle Ward 2015 Ward)	Application Withdrawn
17/01047/FUL	42 Woodhill Lane, Morecambe, Lancashire Erection of a single storey rear extension for Mrs J Lavender (Harbour Ward 2015 Ward)	Application Refused
17/01051/LB	63 Main Street, Warton, Carnforth Listed Building application for removal of an internal ground floor wall to form kitchen/dining area, relocation of bathroom to first floor, installation of additional flue pipes to the north/east and north/west elevations and the installation of replacement painted timber windows to the north/west and south/west elevations for Mr & Mrs Tim and Kathrin Stallard (Warton Ward 2015 Ward)	Application Permitted
17/01052/FUL	80 Sandylands Promenade, Heysham, Morecambe Change of use from single dwellinghouse (C3) to 4 self contained flats (C3) with associated landscaping works to front yard for Mr Damian Demczuk (Heysham North Ward 2015 Ward)	Application Permitted
17/01056/FUL	1 St Helens Road, Overton, Morecambe Construction of a dormer extension to the front elevation for Mr Thomas Cunningham (Overton Ward 2015 Ward)	Application Permitted
17/01062/FUL	25 Bay View Avenue, Slyne, Lancaster Demolition of existing conservatory and erection of a single storey rear extension with the addition of a raised roof lantern for Mr & Mrs Simon Drake (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01065/LB	Wennington Hall School, Lodge Lane, Wennington Listed building application for the removal of oil storage tank and oil fill point housing and installation of replacement boilers, calorifiers, concrete bases, flues and associated pipework for Mr Chris Russell (Upper Lune Valley Ward 2015 Ward)	Application Permitted
17/01069/FUL	Lancaster University, Bigforth Drive, Bailrigg Construction of an outdoor digital screen and supporting wall for Helen Wood (University And Scotforth Rural Ward)	Application Permitted
17/01070/PLDC	2 Roosevelt Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension and the reduction in size of the existing garage for Mr & Mrs M. Bakey (Marsh Ward 2015 Ward)	Lawful Development Certificate Granted
17/01075/LB	Brookhouse Old Hall, Brookhouse Road, Brookhouse Listed building application for erection of two storey detached dwelling with detached garage for Mr Martin Horner (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn

## LIST OF DELEGATED PLANNING DECISIONS

17/01082/PLDC	4 Lincoln Close, Morecambe, Lancashire Proposed lawful development certificate for the construction of a hip to gable extension with a dormer extension to the rear elevation for Miss B. Stainsby (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted
17/01083/PLDC	62 Highfield Road, Carnforth, Lancashire Proposed lawful development certificate for a dormer extension to the rear elevation for Mr & Mrs S. Park (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
17/01086/FUL	Holy Trinity Church, Main Road, Bolton Le Sands Installation of 4 antennas, replacement replica glass reinforced plastic louvres within the bell chamber windows and installation of an external meter pillar for CTIL (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01091/FUL	33 Toll Bar Crescent, Lancaster, Lancashire Erection of a single storey rear and side extension for Mr & Mrs N. Case (Scotforth West Ward 2015 Ward)	Application Permitted
17/01096/FUL	23 Palatine Avenue, Lancaster, Lancashire Erection of a two storey side extension with dormer extensions to the front and side elevations and creation of a basement store and new access for Mr And Mrs Dodgson (Scotforth East Ward 2015 Ward)	Application Refused
17/01098/FUL	4 The Shore, Bolton Le Sands, Carnforth Demolition of existing sun room and erection of a replacement single storey rear extension, installation of a first floor balcony to the front elevation and a replacement porch roof to the front elevation for Mr & Mrs Bamber (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01101/CU	3 Hornby Road, Caton, Lancaster Change of use of a ground floor retail unit (A1) to a cafe and takeaway (A3/A5) including the creation of an external seating area and installation of a bike rack for Mrs Kellie Elgalal (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01102/FUL	Hill Top Farm, Keer Holme Lane, Priest Hutton Erection of roof over existing silo for Mrs S Blades (Kellet Ward 2015 Ward)	Application Permitted
17/01103/FUL	19 Greenwood Avenue, Bolton Le Sands, Carnforth Erection of a single storey infill extension and first floor side extension to facilitate the construction of a hip to gable extension and construction of one dormer extension to the front elevation and one dormer extension to the rear elevation for Mrs V Matthews (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01105/FUL	Bolton Le Sands Church Of England Primary School, Mount Pleasant Lane, Bolton Le Sands Erection of two single storey extensions for School Governors (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01110/FUL	6 Pinewood Avenue, Morecambe, Lancashire Erection of a single storey extension to the side and rear elevations for Mr Terry Morris (Bare Ward 2015 Ward)	Application Permitted
17/01112/FUL	32 Silverdale Road, Yealand Redmayne, Carnforth Regrading	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

	of land to create new driveway with new retaining wall for Mr Tim Walker (Silverdale Ward 2015 Ward)	
17/01115/ELDC	The Abattoir, Wyresdale Road, Lancaster Existing lawful development certificate for staff rest rooms for Halal Services Company LTD Dean (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
17/01118/AD	The Grange, Carr Lane, Middleton Agricultural determination for a tractor storage building for Messrs SJ and AL Hargreaves (Overton Ward 2015 Ward)	Prior Approval Refused
17/01131/FUL	Mole End Barn, Woodman Lane, Burrow Installation of 1 ground floor window to north elevation, 1 first floor window to east elevation and infill of existing window opening to east elevation for Mr J Handley (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
17/01136/FUL	36A Prospect Drive, Hest Bank, Lancaster Erection of a two storey side extension, installation of a raised replacement roof, single storey rear extension and a front porch and garage extension for Mr & Mrs R. Lawrence (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/01150/FUL	12 Swaledale, Galgate, Lancaster Conversion of existing garage to ancillary living accommodation and installation of 2 replacement doors to the rear for Mr & Mrs S. Chadwick (Ellel Ward 2015 Ward)	Application Permitted
17/01152/AD	Catshaw Hall Farm, Scorton Marshaw Road, Over Wyresdale Agricultural determination for the erection of an agricultural livestock building for Mr William Drinkall (Ellel Ward 2015 Ward)	Prior Approval Not Required
17/01153/AD	Catshaw Hall Farm, Scorton Marshaw Road, Over Wyresdale Agricultural determination for the erection of an agricultural livestock building for Mr William Drinkall (Ellel Ward 2015 Ward)	Prior Approval Not Required
17/01164/FUL	2 Chapel View, Overton, Morecambe Erection of first floor side extension over existing garage for Ms Gudgeon (Overton Ward 2015 Ward)	Application Permitted
17/01165/ADV	5 - 11 Hornby Road, Caton, Lancaster Advertisement application for 1 internally illuminated fascia sign, 1 internally illuminated suspended logo sign, 3 non illuminated wall mounted signs and 1 double sided externally illuminated pole mounted sign for Co-op Food (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/01168/VCN	26 Hall Park, Lancaster, Lancashire Erection of a single storey rear extension and 2 new bay windows to front, removal of chimneys, installation of a raised roof incorporating a dormer extension to the front elevation (pursuant to the variation of condition 2 on planning permission 16/01479/FUL to amend the plans) for Mr Brian Smith (Scotforth West Ward 2015 Ward)	Application Permitted
17/01170/NMA	The Shakespeare, 96 St Leonards Gate, Lancaster Non-material amendment to planning permission 17/00532/CU to amend internal layout for Mr Leong Yok Tan (Bulk Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/01177/NMA	Land Adjacent To , Bulk Road, Lancaster Non material amendment to planning permission 16/01084/FUL to amend levels, fenestration and layout for Eric Wright Construction (Bulk Ward 2015 Ward)	Application Withdrawn
17/01181/AD	Moorlands, Slaidburn Road, Lowgill Agricultural determination for the erection of a haylage and machinery store and creation of an access track for Mr James Shaw (Lower Lune Valley Ward 2015 Ward)	Prior Approval Is Required
17/01188/FUL	18 Coppice Brow, Carnforth, Lancashire Erection of a single storey rear and side extension for Mr & Mrs A McCartney (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/01210/AD	Barnfield Farm, Tunstall Road, Tunstall Agricultural Determination for a new access track for Kathryn Sayce (Upper Lune Valley Ward 2015 Ward)	Prior Approval Not Required
17/01220/NMA	Land Adjacent To , Bulk Road, Lancaster Non material amendment to planning permission 16/01084/FUL to lower window sill height, link block and erect an external draft lobby to east elevation for Eric Wright Construction (Bulk Ward 2015 Ward)	Application Permitted
17/01295/CCC	Middleton Waste Water Treatment Works, Middleton Road, Middleton Proposed Welfare Accommodation for Operational Staff at Wastewater Treatment Works for United Utilities (Overton Ward 2015 Ward)	No Objections
17/01296/CCC	Hillam Lane Farm, Hillam Lane, Cockerham Construction of a fuel reception building, two acidification tanks, two storage tanks and the extension of existing yard area to service the existing anaerobic digestion plant for Mr Chris Parry (Ellel Ward 2015 Ward)	No Objections
17/0135/TCA	Land At, Home Farm Close, Wray Selective pruning affecting a sycamore and ash tree to clear overhead utility services for C/o Agent (Lower Lune Valley Ward 2015 Ward)	Application Permitted