



URGENT BUSINESS

TUESDAY, 31 MARCH 2020

Please find enclosed Urgent Business Notices in connection with the following:

The Chief Executive, in consultation with the Chair of the Planning Regulatory Committee, has agreed to make a decision in accordance with the City Council's Urgent Business Procedure, Delegated powers, Part 2, Section 7 of the City Councils Constitution.

The attached reports were due for consideration by the Planning Regulatory Committee at its meeting scheduled to take place on 30 March 2020. The meeting was cancelled in view of the current coronavirus pandemic.

1. UB113 LOWER ADDINGTON FARM (Pages 2 - 12)
2. UB114 LAND REAR POINTED GROVE (Pages 13 - 26)
3. UB115 - JUMP RUSH (Pages 27 - 38)
4. UB116 - CO-OP CENTENARY HOUSE (Pages 39 - 44)

Queries regarding these documents

Please contact Liz Bateson - Democratic Services - telephone 01524 582047, or email: ebateson@lancaster.gov.uk.

Democratic Services,
Town Hall,
Dalton Square,
Lancaster, LA1 1PJ

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URGENT BUSINESS UB113

PLANNING APPLICATION 20/00019/FUL - LOWER ADDINGTON FARM, BIRKLAND, BARROW ROAD, NETHER KELLET

Councillor Consultation

I am in agreement with the recommendation:

To approve :-

Deferral of the decision on the application due to :

- the lack of a site visit
- outstanding drainage information from the applicant
- outstanding comments from Environmental Health, Natural England and the Lead Local Flood Authority
- preference for the application to be considered by the full Planning Regulatory Committee.

Signed: Sandra Thornberry

Position Held: Chair of Planning Regulatory Committee

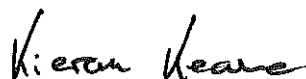
Dated: 31.03.2020

Chief Executive Decision

I agree to exercise my delegated authority and approve: -

Deferral of the decision on the application due to :

- the lack of a site visit
- outstanding drainage information from the applicant
- outstanding comments from Environmental Health, Natural England and the Lead Local Flood Authority
- preference for the application to be considered by the full Planning Regulatory Committee.



Signed:

Position Held: Chief Executive

Dated: 31.03.2020

Agenda Item	Committee Date	Application Number
A5	30 March 2020	20/00019/FUL

Application Site	Proposal
Lower Addington Farm Birkland Barrow Road Nether Kellet Carnforth	Erection of an agricultural building for free range hens with associated parking

Name of Applicant	Name of Agent
Mr Gott	HPA Chartered Architects

Decision Target Date	Reason For Delay
10 April 2020	None

Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval subject to outstanding responses from statutory consultees raising no objections to the proposal

1.0 The Site and its Surroundings

- 1.1 The site comprises an area of agricultural land located between the settlements of Aughton, Over Kellet and Gressingham and lies between Birkland Barrow Road and Kirkby Lonsdale Road. It forms part of a larger field which rises up from the northwest boundary towards Kirby Lonsdale Road to the southeast. There is an existing access to the edge of the site off Birkland Barrow Road, approximately 280 metres to the northwest, which serves an existing poultry building. This access and building is at a slightly higher level than the lower section of the site. Along the northwest boundary is Swarth Beck, which is a partly culverted watercourse and around this there is potential for surface water flooding (1 in 30 and 1 in 100 years). To the north is land outside the applicant's ownership, part of which comprises a former quarry and contains a wooded area. To the south east of the field is a wooded area adjacent to the highway, approximately 10 and 18 metres in depth, which is covered by a Tree Protection Order (TPO).
- 1.2 The site is located within the Countryside Area, as identified on the Local Plan proposals map and is approximately 10 metres from the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), which lies on the south eastern side of Kirkby Lonsdale Road. There is a high pressure gas pipeline crossing the field within which the development is proposed to be sited and a public footpath approximately 60 metres to the north east of the site boundary, which connects Kirkby Lonsdale Road and Birkland Barrow Road. It also links to a public footpath on the opposite side of Kirkby Lonsdale Road which extends into the AONB. The site is also located in a Mineral Safeguarding Area and an area identified as low risk from coal mining activities.
- 1.3 The nearest residential properties are a small group at Swarthdale, approximately 270 metres to the north and a detached dwelling, Oaken Head Farm, approximately 450 metres to the southwest of the site boundary. At both these locations there are existing equestrian businesses.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of a large agricultural building to house hens for free range egg production. It will be sited towards the northwest boundary of the field. The building is proposed to be 92 metres long, 15.25 metres wide and have a height of 3.6 metres to the eaves and

5.7 metres to the ridge. Vents are proposed in the roof which would project above the ridge height to 6.3 metres above ground level. Two feed silos are proposed towards the centre of the northwest elevation with a width of approximately 3 metres and a height of 7.8 metres. The building would be constructed in steel insulated panels, with the walls clad in vertical larch boarding and the roof, silos and doors finished in moorland green (RAL 100 60 10). The building is proposed to house 16,000 birds in a multi-tier system, with the central section housing plant. There would be pop-holes on the south east side of the building to allow the hens to enter and leave the building during the day.

2.2 The development will use the existing access off Birkland Barrow Road which serves one of the poultry buildings under the same ownership. The access will be required to be extended to reach the new development and a new access road and turning and surfacing area will be provided to the northwest of the building. Some works will be required to the land to provide a level area for the building which will include some raising and some lowering of the ground. Landscaping is proposed adjacent to the boundary in addition to along a former field boundary that runs in a north west/south east direction.

3.0 Site History

3.1 Planning permission was refused in October 2019 by the Planning Regulatory Committee for the erection of a free-range poultry building on the application site. This was contrary to the recommendation within the Committee report. This proposed building was in a similar location to the current proposal, but measured 133.8 in length and was to be constructed of metal panels finished in green. It was refused for the following reason:

“The development will have a detrimental impact on the character and appearance of the landscape, including the incongruous and urbanising impact on this rural area. The proposal is therefore contrary to the aims and objectives of the Sections 12 and 15 of the National Planning Policy Framework, Saved Policy E4 of the Lancaster District Local Plan, and Policies DM28 and DM35 of the Development Management Development Plan Document.”

3.2 Prior to this, planning permission has also been refused twice for the erection of an agricultural building for free-range hens and creation of a new access point on land to the south east of the current application site, close to Kirkby Lonsdale Road. An appeal was submitted in relation to the second of these applications (16/01351/FUL), and the Planning Inspectorate resolved to dismiss this and not grant planning consent for the proposal. The application was refused for the following reason:

“By reason of the size, siting and design of the building, the topography of the land, the size, design and location of the proposed access, including the removal of a section of woodland trees, and the associated engineering operations, the development will have a detrimental impact on the character and appearance of the landscape, including the incongruous and urbanising impact on this rural road and the significant harm to the established woodland belt. As a result of this, the development would also have an adverse impact on the setting of the Forest of Bowland Area of Outstanding Natural Beauty. The proposal is therefore contrary to the aims and objectives of the core Planning Principles and Sections 7 and 11 of the National Planning policy Framework, Saved Policies E3 and E4 of the Lancaster District Local Plan, and Policies DM28, DM29 and DM35 of the Development management Development Plan Document.”

3.3 There are also a number of other developments in the vicinity of the site associated with the free-range poultry business. These relate to two agricultural buildings for free-range hens and an agricultural worker’s dwelling. These are all accessed from Birkland Barrow Road. The development closest to the site (09/00554/FUL), which will provide access to the proposed development, has been in operation the longest. The relevant history is set out below

Application Number	Proposal	Decision
19/00746/FUL	Erection of an agricultural building for free range hens with associated landscaping and parking	Refused
18/01287/PRETWO	Pre-application advice in relation to the construction of an Agricultural building for Free-Range Hens	Advice in relation to new building at current application site
16/01351/FUL	Erection of an agricultural building for free-range hens and creation of a new access point	Refused and appeal dismissed

4.0 Consultation Responses

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

Consultee	Response
Nether Kellet Parish Council	No comments received within the statutory consultation period.
Over Kellet Parish Council	Object. Raise concerns in relation to: pollution to Swarth Beck and impacts on biodiversity; effects on residents from potential air and watercourse pollution; and potential contamination by agro-chemicals.
Environmental Health	No comments received within the statutory consultation period. However, no objection was raised in response to the previous application - unlikely to be adverse or noticeable noise impacts or significant impacts on air quality or as a result of odour (subject to consultation with the Environment Agency).
County Highways	No objection. The application will have a minimal effect on the generation of additional vehicle movements over surrounding lengths of the public highway network
Lead Local Flood Authority	Comments to be report at the meeting.
County Council Planning	No comments received within the statutory consultation period.
Public Rights of Way Officer	No comments received within the statutory consultation period.
Ramblers Association	No comments received within the statutory consultation period.
Environment Agency (EA)	Comments to be reported at the meeting. However, in relation to the previous application the EA raised no objection in principle , setting out that it would be assumed under the 'aggregation of capacities' rule that the permit relating to the existing poultry units would need to be varied to include the proposed unit. As such the design and management of the unit would have to meet the design and operating standards set out in the Environmental Permitting Regulation (England and Wales) 2016. Recommend installing an oil interceptor to serve any access road or vehicle parking/turnaround area to prevent pollution to Swarth Beck and advised that any wash water generated from within or outside the building must be collected in a sealed wash water/effluent tank.
Natural England	Comments to be reported at the meeting. However, no objection was raised in relation to the previous application.
Cadent Gas/National Grid	Initial holding response, awaiting further detailed comments. However, no objection was raised in relation to the previous application.
Forest of Bowland AONB Partnership	No comments received within the statutory consultation period.
Coal Authority	Comments – Consultation not required as the site does not fall with the defined development High Risk Area. Request that the Coal Authority's standing advice is attached to any consent as advice.
Health and Safety Executive (Padhi Assessment)	Do not advise against development

5.0 Neighbour Representations

5.1 20 pieces of correspondence have been received objecting to the proposal and raise the following concerns:

- Detrimental visual impact from building, fencing and associated lorries; utilitarian design of the building which would be prominent and incongruous within the landscape; limited screening and would result in a substantial encroachment into the rolling landscape; cumulative visual impact; location adjacent to the AONB
- Question implementation of proposed screening and impacts from poultry to this surviving/maturing
Impact on the avenue of trees on the boundary with the AONB

- Industrialisation of the area
- Noise, odour and airborne pollution and cumulative impact with two other approved poultry buildings, and milling machine at adjacent site, and associated health implications
- Impact on users of public footpath/ Lancashire Way
- Cumulative impact with large feed silos erected at the adjacent building without consent
- Increase in large vehicle movements; impacts on narrow network of roads, including condition; impacts to walkers, runners, cyclists and horse riders
- Pollution, silt and debris to Swarth Beck from runoff and soil erosion, including during construction, and impact on wildlife and health, which could enter Morecambe Bay
- Impact and loss of wildlife including that which uses the adjacent woodland
- Increase flood risk from surface water run-off
- Increase in vermin
- Impact on high pressure gas pipeline from re-profiling of land
- Welfare of the birds
- Will not support the local community
- No evidence of use of renewable or low carbon energy
- No environmental benefits
- Inconsistencies within the submission
- Serviced by diesel tractors and lorries, is energy intensive and therefore contrary to the Council's Climate Emergency policy.
- No engagement with the local community

5.2 Correspondence has been received from County Councillor Phillipa Williamson which raises an objection to the proposal and the following concerns:

- Must consider the effect on local residents and the environment in terms of noise, odour, dust, nitrogen and ammonia on a cumulative basis (i.e. in conjunction with the existing buildings)
- Detrimental effect on the character and appearance of the landscape, incongruous and urbanising impact, lack of screening, substantial encroachment into the rolling landscape and cumulative impact with existing development
- Visual and noise impact of articulated lorries
- Concerns about re-profiling of land to create a new watercourse and potential impact on pipeline
- Visual impact of fencing
- Soil erosion
- Limited benefit to local economy

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 83 and 84 – Supporting a prosperous rural economy
Paragraph 109 - 110 – Access and Transport
Paragraphs 124 and 127 – Achieving well-designed places
Paragraph 170 – Protecting valued landscapes
Paragraphs 170,175 and 176 – Protecting and enhancing biodiversity

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and,
(A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

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.

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.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

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

E3 – Areas of Outstanding Natural Beauty
E4 – Countryside Area

6.5 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas
DM20 – Enhancing Accessibility and Transport Linkages
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM39 – Surface Water Run-Off and Sustainable Drainage

6.6 Other Material Considerations

The Forest of Bowland AONB Landscape Character Assessment (2009)
A Landscape Strategy for Lancashire: Landscape Character Assessment (2000)

7.0 **Comment and Analysis**

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

- Principle of the development
- Landscape and visual impact
- Impact on residential amenity
- Impact on ecology
- Access and highway impacts
- Surface water drainage
- Impact on National Grid Infrastructure

7.2 Principle of the development

7.2.1 The proposal relates to the erection of a large agricultural building to house hens for free-range egg production, and would be operated in association with the existing business which has two similar buildings close to the site. DM7 of the DM DPD sets out that proposals for economic development will be supported where they maintain and enhance rural vitality and character and improve the sustainability of rural communities by bringing local, economic, environmental and community benefits. Other development proposals supported in principle include essential operations for agriculture where there is a proven and justified need. The proposal will support the existing business and does relate to an agricultural enterprise, and is therefore considered to be acceptable in principle in this rural area.

7.3 Landscape and visual impact

- 7.3.1 The building is proposed to be sited towards the north west end of a large agricultural field, at almost ninety degrees to an existing poultry building to the northwest. The land slopes gently downwards from Kirkby Lonsdale Road towards the site of the proposed development, and rises slightly beyond this. The site and surrounding landscape are characterised by rolling fields created by glacial activity which have drumlins of varying heights and steepness. There are also scattered areas of mature woodland, in particular around a former quarry to the north of the site and adjacent to Kirkby Lonsdale Road which continues on the opposite side of the highway, within the AONB. The landscape in this location is classified as Drumlin Field, sub-type Docker-Kellet-Lancaster (13c), within the Lancashire Landscape Character Assessment. The landscape character sensitivity is considered to be moderate to high as a result of the pattern of landscape features, including stone walls, hedgerows and pockets of woodland. Overall, the Drumlin Field Landscape Character Type is considered to have limited capacity to accommodate change without compromising key characteristics.
- 7.3.2 The site is predominantly screened from the north and north east by the rising landform and trees. It is most visible to the east, from Kirby Lonsdale Road and a public footpath, across the adjoining fields. To the south and southeast, the site is afforded screening from the mature trees adjacent to the highway. The proposed building would be visible within the landscape from both the highway and the public footpath, although it has been sited towards the lower levels of the field which would limit the impact to some degree. At present the existing agricultural building is visible to varying degrees, depending on the viewpoint, as some screening is provided by the woodland group to the east of this. The development would be partly seen in the context of the existing building, rather than appearing as a wholly isolated structure. However, it is noted that a landscaping scheme has been previously agreed to help mitigate the visual impacts of the existing building within the landscape, with the intention that this would provide screening from the road and footpath.
- 7.3.3 The siting of the building has addressed some of the concerns raised by the previously refused applications for a building located closer to Kirkby Lonsdale Road. The impacts of a new access have been removed by utilising the one serving the existing poultry building. The new building is proposed to be sited closer to this so is more likely to be viewed in association with this, rather than as a wholly isolated structure. It would also be at a lower level of the field, would require less engineering operations reducing the amount of changes to the existing landform. The size of the building was reduced, following some pre-application discussions. It has been further reduced in length by 42 metres following the refusal of a similar proposal on this site. There is a former field boundary running up to Kirkby Lonsdale Road, identified by a relatively low mound. The building would be sited to the southwest of this boundary which would be reinstated with a hedgerow and some trees in order to break up the main views of the building from the main views from the public right of way and Kirkby Lonsdale Road to the east and northeast. This will allow the building to be better visually contained within features typical to this landscape, whilst it is unlikely that it would be wholly screened. Other additional landscaping is also proposed to help screen the building within the landscape and also in relation to the existing poultry building to the northwest.
- 7.3.4 The proposal relates to a large utilitarian building which would occupy part of the open and undulating agricultural field. Therefore, it has the potential to appear quite prominent and incongruous within the landscape, even with its positioning in the lower part of the field. The landform is not sufficient to screen the building and, whilst it would be partly seen in conjunction with the existing building, it is still quite detached from this building, would result in encroachment into the rolling landscape, and would increase the amount of development visible. However, with the reinstatement of the field boundary, the additional landscaping, and the finish of the building in timber cladding with a green roof and silo buildings, it is considered that the landscape and visual impacts can be mitigated to a large degree, although the landscaping will take time to mature. Overall, it is considered that the development would not have a significant adverse landscape and visual impact and will be seen in the context of the existing agricultural development, rather than as a more isolated building.

7.4 Impact on residential amenity

- 7.4.1 The nearest residential properties are a small group at Swarthdale, approximately 360 metres to the north of the proposed building. There are some other residential properties in the locality, although these are located at greater distances from the site. Given the distance, existing landform and trees,

there will be no adverse impacts on outlook, daylight or privacy to the residential properties. This building will be a similar distance from these properties than the existing one adjacent to the site.

- 7.4.2 Whilst a response is still awaited from the Environment Agency, in relation to the last proposal on this site, they advised that the two existing poultry buildings in this area are covered by an environment permit. Inspections since the permit was issued have shown compliance with permit conditions. Although the unit itself is below the threshold of 40,000 poultry places required for an environmental permit, it would be assumed under the 'aggregation of capacities' rule that the permit would need to be varied to include this proposed unit. As such the design and management of the unit would have to meet the design and operating standards set out in the Environmental Permitting Regulation (England and Wales) 2016. They raised no objections to the previous proposal which was to accommodate a lower number of birds. As such, it is unlikely that they would raise an objection to the current proposal, however, this will be updated at the Committee meeting.
- 7.4.3 Environmental Health has been consulted in relation to the application, but has not provided a response. However, the response in relation to the previous application is equally relevant to this proposal. During the previous application, it was confirmed that, whilst the existing poultry buildings have been operational, they have received one complaint about fan noise and this was received after the submission of the current application. This complaint was referred to the Environment Agency, as the regulatory authority for any nuisance related complaints for these types of premises. In relation to potential noise impacts to nearby residential properties, Environmental Health has advised that, considering the likely small number of additional vehicular movements to this site, that this is an existing regularly used rural road, accessed by all types of road traffic, including agricultural vehicles, and given separation distances between the site access area and residential properties, it is unlikely that there will be adverse or noticeable noise impacts. Furthermore, vehicle movements would have to increase substantially before resulting in a perceptible difference in sound and therefore unlikely to result in an adverse impact.
- 7.4.4 Noise has been previously considered at the site of the existing buildings by Environmental Health. In relation to the most recent building, not the one immediately adjacent to the site, it has been advised that noise was clearly audible around the perimeter of the site to areas where the fans were located, less audible along the public footpath, and was inaudible along Swarthdale Road. Whilst noise was not assessed within garden locations or from inside properties, given the property locations and separation distances to the noise source, absence of complaints and inaudibility of noise along Swarthdale Road, it is considered unlikely that noise associated with the existing buildings has had an adverse impact to nearby receptors. It was also advised that, from these monitoring locations, fan noise associated with the existing building adjacent to the site was inaudible. Any combined sound associated with the ventilation of these buildings where there is similar sound power level output, will result in insignificant sound contributions, which would be 'just perceptible' to the human ear in near proximity. Therefore it is considered that there would be 'no observed effect levels' in respect of noise associated with the proposed unit.
- 7.4.5 In relation to odour, the Air Quality Officer advised that there was one complaint in September 2017 regarding a chemical smell associated with existing poultry unit at this location, though investigation and further monitoring by the complainant did not identify the cause of this or identify any further issues. The matter was also referred to the Environment Agency (EA) as the regulating body at the time. A further complaint was investigated in August 2019 alleging issues of smoke, dust and feathers arising from existing units. A site visit did not witness the occurrence, although a photograph of a dusty vent to a unit was sent to the Environment Agency. The Environment Agency has been consulted, as set out above, and their response will be reported. However, they did not previously highlight any concerns regarding noise, odour or air quality.
- 7.4.6 The Air Quality Officer advised that for local air quality management purposes, DEFRA's technical guidance TG(16) provides advice on where air quality is likely to be a local air quality management objective exceedance consideration. Guidance indicates that releases of particulate may be a consideration for very large units (units accommodating above 400,000 birds where mechanical ventilation is used) for exposure within 100 metres. The application site, in isolation but also cumulatively with the other units, is significantly below this figure and there does not appear to be any relevant exposure within 100 metres. On this basis it is considered that the development would not lead to an exceedance of an air quality objective standard.

7.4.7 Overall it is considered that the proposal would not have a significant adverse impact to the amenities of nearby residential properties or to air quality. As set out above, the operation would be covered by an environmental permit, which will provide levels and controls for noise, odour and air quality. As set out in paragraph 183 of the NPPF, the focus of planning decisions should be on whether the development is an acceptable use of land rather than the control of processes or emissions where these are subject to separate pollution control regimes.

7.5 Impacts on Ecology

7.5.1 In relation to the previous application, Natural England advised that further information was required in order to fully assess any impacts on European and nationally-designated sites in relation to aerial pollutants emitted from this type of development. Additional information was provided and Natural England raised no objections to the proposal. A response is awaited from Natural England. However, as this proposal reduced the number of birds from the previous application, it is not anticipated that there would be significant concerns regarding this.

7.5.2 An ecological appraisal has been submitted with the application. This sets out that the site comprises poor semi-improved grassland with stone walls and fences on its boundary and is enclosed by improved grassland, tall ruderal, marshy grassland and mixed deciduous woodland. The species recorded are all commonly occurring. The poor semi-improved grassland has a very low species diversity and ecological value. Whilst the assemblage of species within it is higher than improved pasture, the species are all indicative of regular grazing and disturbance, and this habitat does not constitute a BAP habitat.

7.5.3 In relation to amphibians, there is no standing water on the site and the core development area is open and exposed so is of low value. The report goes on to say that the development would not result in the permanent loss of or substantial negative effect on waterbodies or foraging areas linked to them. There is one record of badger within 2km of the site. Badger setts do not occur on site and a lack of feeding signs or runs across the site would suggest that they do not occur within 30 metres of site boundaries. The development would not impact on any existing badger runs or setts and the porosity of the surrounding fields to the passage of badgers will not be affected.

7.5.4 In relation to bats, the report sets out that the foraging habitat at the site is very poor, being open and exposed. The poor semi-improved grassland offers negligible foraging opportunities for bats and the stone walls and fences on the boundary are poor in terms of their structure, diversity and interconnectivity. The wall to the boundary does provide some habitat linkage for bats whilst the remainder of it comprises open and exposed pasture. More extensive areas of medium and high quality habitat occur locally, including the woodland and marshy grassland. To confirm that the site is not used by significant numbers of bats, a bat monitor was left on the site for 7 days in May/June 2019. Six species of bat were identified from their calls. The numbers of passes was low with 40 in total recorded over 7 nights monitoring. The report considers that the bat species identified are highly unlikely to rely on the site for feeding but may occur in the local area and roosting will not occur on the site. The poor semi-improved grassland has a low potential for use by nesting birds as the grassland is grazed and as such is usually short and trampling risks are also very high within this area of the site. Species such as Curlew have been recorded feeding on adjacent fields, which are damper. The potential for use of the wider fields by this species will not, however, be compromised by the proposal.

7.5.5 No indication of brown hares was recorded on the site and risk to this species is considered to be low. The report sets out that 100 notable invertebrates have been recorded within 2km of the site. No deadwood or vegetation on site was recorded which would provide an important resource for invertebrates in the local area. It goes on to say that the significance of the site to invertebrates is likely to be limited in the local context although the habitat on site will support invertebrate species. Mitigation can be incorporated into the design and landscaping scheme with the careful selection of plant species. There are no records of otters within 2km of the site and no indication of the presence, or past use of the site, by otter was found. The stream is considered unlikely to support fish and there are no waterbodies in proximity to the site which would be attractive to Amphibians. In relation to reptiles, the majority of the site has a very low value being devoid of significant ground cover and there are no areas of the core development area which would be particularly favourable to reptiles. There are no records of water voles within 2km of the site and no signs, such as droppings, feeding piles or footprints were present on site. The report considers that this species is likely to be absent from the

site. Precautionary mitigation would be appropriate in respect of retaining or recreating soft edges to the stream.

7.5.6 The report recommends precautionary mitigation in relation to several species, some of which is mentioned above. It sets out that the stream could be fenced from the adjacent field to prevent livestock poaching of its banks and this would create a wildlife corridor. The submitted site plan shows a fence in line with the building which would prevent access to the beck which also addresses some comments from the Environment Agency to prevent pollution of the water course. A suitable drainage scheme should also ensure that any pollution to the watercourse is prevented which would include measures to ensure that dust around vents is not washed into the beck. Overall, it is considered that the development would not have an adverse impact on biodiversity and is likely to provide opportunities for improvement with fencing off the land from the watercourse and the additional planting, including hedgerow.

7.6 Access and highway impacts

7.6.1 The development will utilise the access serving the existing poultry building adjacent to the site. The submission sets out that the same wagon that currently services this building will service the new unit and, as such, there will be no net increase in HGVs. The building requires infrequent servicing, no more than twice a week by no more than one 40ft articulated vehicle to bring feed and to collect the eggs. There will also be a visit at the start and end of the cycle for re-stocking purposes. Car access will be daily for the member of staff looking after the birds and visitor spaces are provided for cleaning contractors who fumigate the building at the end of the 60 week cycle and for vets. A management plan currently exists which makes HGVs approach from the west, avoiding the village of Over Kellet, and following the established route of the quarry lorries through the northern fringes of Nether Kellet. The Highway Authority has advised that the application will have a minimal effect on the generation of additional vehicle movements over surrounding lengths of the public highway network, and have therefore raised no concerns or objection.

7.7 Drainage and pollution

7.7.1 As the proposal relates to a major application, the Lead Local Flood Authority has been consulted, and the response will be reported at the Committee meeting. A drainage scheme has been provided to address an existing flow route across the field, due to the topography. This is not a watercourse but is just an indication of a route that surface water runoff takes provided by surface water flooding maps. The drainage scheme shows the re-profiling of the land to direct surface water around the building and into the beck, with some attenuation. Precise details of this rerouting are required in addition to confirmation that this would not impact on the high pressure gas pipeline. However, a response is required from the LLFA in relation to this approach. The LLFA previously advised that the drainage and water flow could probably be addressed by a filter drain on this side of the building to direct the water away from the building. As such, if the re-profiling required is overly extensive or cannot be achieved due to the pipeline, it is considered that there is likely to be a suitable alternative.

7.7.2 It appears that a small package treatment plant is proposed to serve the development, but the details have not been shown on the plan. Clarification has been sought in relation to this but it is likely to be able to be accommodated. Further information would also be required in relation to capacity, but could be covered by condition.

7.7.3 In addition to the above, the Environment Agency previously gave some recommendations in relation to pollution of the watercourse. They advised that if any yard area, or roof area has the potential to become lightly contaminated, such as the areas under extractor vents, then this drainage needs some form of interception prior to discharge, which might be in the form of a swale or drainage field. They also recommended the installation of an oil interceptor to serve the access road and parking area and any wash water generated within the unit or on any external areas must be collected in a sealed wash tank and removed from the site. Further information has been requested in relation to the drainage of the hardstanding and the building as it is not clear on the plan, although results of percolation tests have been provided in relation to proposed infiltration. In relation to the wash tanks, the agent previously asked if a scheme could be conditioned as there is sufficient space for this to be provided adjacent to the building. This would be an appropriate approach as the precise details are not required before determination. Any further information and the response from the LLFA will be reported at the meeting.

7.8 Impact on National Grid Infrastructure

7.8.1 National Grid has sent an initial holding letter, but not an objection. It is understood that someone was to visit the site, but no further response has been provided. This has been chased. They raised no objections to the previous application, following additional information about planting and distances from the pipeline. The only change from this proposal appears to be the alterations to the land levels due to the drainage. A verbal update will be provided at the meeting.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposal will support the existing agricultural business in this location and will therefore have a positive impact on the rural economy. As a result of the reduced scale, siting close to an existing unit and proposed landscaping, it is considered that there would not be a significant adverse impact on landscape or visual amenity, although it is acknowledged that the landscaping will take some time to mature. In addition, the larch cladding should reduce the more industrial appearance of the building. It is considered that there would not be a detrimental impact to residential amenity, highway safety or biodiversity. Responses are awaited from some consultees, but it is likely that the outstanding matters can be adequately overcome. Subject to this, the proposal is considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to the outstanding responses from statutory consultees raising no objections to the proposal and the following conditions:

1. Standard three year timescale
2. Approved plans
3. Surface and foul water drainage schemes, including pollution prevention measures, and management of manure
4. Tree protection
5. Materials: Colour and finish to walls, roof of the building, the vents and the feed silos; all external surfacing materials; details of any boundary treatments, including gates.
6. Landscaping scheme
7. Ecology mitigation
8. Operated in accordance with the delivery access route

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

URGENT BUSINESS UB114**PLANNING APPLICATION 18/01422/FUL – LAND TO REAR OF POINTER GROVE AND ADJACENT TO HIGH ROAD, HALTON****Councillor Consultation**

I am in agreement with the recommendation:

To approve :-

Deferral of the decision on the application due to outstanding comments from Natural England and outstanding agreement with the Highway Authority on the internal road network.

Preference for the application to be considered by the full Planning Regulatory Committee with public speaking. If public speaking is not possible due to Covid-19, then local residents must at least be given the opportunity to submit written comments in lieu of speaking.

Signed: Sandra Thornberry

Position Held: Chair of Planning Regulatory Committee


Dated: 31/03/2020

Chief Executive Decision

I agree to exercise my delegated authority and approve: -

Deferral of the decision on the application due to outstanding comments from Natural England and outstanding agreement with the Highway Authority on the internal road network.

Preference for the application to be considered by the full Planning Regulatory Committee with public speaking. If public speaking is not possible due to Covid-19, then local residents must at least be given the opportunity to submit written comments in lieu of speaking.



Signed:

Position Held: Chief Executive

Dated: 31.03.2020

Agenda Item	Committee Date	Application Number
A6	30 March 2020	18/01422/FUL

Application Site	Proposal
Land to The Rear of Pointer Grove And Adjacent to High Road Halton Lancashire	Erection of 65 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works

Name of Applicant	Name of Agent
Russell Armer Ltd	Mr Harry Tonge

Decision Target Date	Reason for Delay
11 February 2019	Drainage negotiations, viability discussions and officer workload.

Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (subject to no objections from County Highways and Natural England).

1.0 The Site and its Surroundings

- 1.1 The site is in the region of 4.3 hectares in area, and is 47.50 metres Above Ordnance Datum (AOD) at its lowest part of the site (south west corner) and rises to 76.50 AOD metres towards the north eastern corner. The average site gradient is approximately 1:10. The northern half of the site has a steeper gradient when compared to the southern part of the site. The site is located on the eastern periphery of the village in the region of 550 metres from St Wilfrid's Primary School and 240 metres from the parade of shops on High Road. There are agricultural fields beyond the site to the north west, north, east and south east. To the west and south west are residential properties on High Road and Pointer Grove. Kirkby Lonsdale Road / High Road runs along the southern boundary.
- 1.2 The site is currently used for agricultural purposes and there are no buildings located on the site. The site is bound by a mature hedgerow on all the aspects with some isolated trees on the boundaries of the site. There are two culverted watercourses that traverse the site converging to a single watercourse.
- 1.3 The site is not situated within any ecological designation or nationally protected landscape (although the Forest of Bowland AONB is 500 metres to the south east). Footpath number 11 is located 100 metres to the north west and Halton Conservation Area is located 440 metres to the south west of the site. Whilst not within the site, an Ash Tree in the control of 195 High Road is protected by a Tree Preservation Order 235 (1995).

2.0 The Proposal

- 2.1 A very similar proposal was approved in 2018 (under Planning Permission 17/00224/FUL). The layout has subsequently received some very minor changes, namely the removal of one unit given the original consent provided for 66 dwellings. The reason the application has been submitted is as a result of the applicant wanting to provide a lower quantum of affordable housing compared to the approved scheme.

2.2 The scheme proposes a total of 65 residential units, together with a new vehicular access off Kirkby Lonsdale Road. The scheme proposes a mixture of dwellings, ranging from 1-bedroom apartments to 4-bedroom detached dwellings. The overall breakdown is noted below:

- 2 x 1-bedroom apartments
- 12 x 2-bedroom houses
- 35 x 3-bedroom homes
- 16 x 4-bedroom homes

Eight (12%) of the units are proposed as affordable homes (affordable rent tenure consisting of 2 x 2 semi-detached and 2 x 4 bedroom semi-detached, and shared ownership consists of 2 x 1 bedroom and 2 x 3 bedroom properties), with the remaining 57 houses to be for open market sale.

2.3 The units will consist of detached and semi-detached bungalows, townhouses, terraced houses and apartments. Due to the levels across the site some of the units proposed are to be split level units. Materials include a mixture of natural stone, roughcast render and timber style boarding. Roofing materials are proposed to be slate. Boundary treatments predominately consist of 1.8m high fencing though there are hedgerows and stone walls that are proposed on key viewpoints into the site. Given the change in levels across the site many of the gardens include retaining walls.

2.4 A new access is proposed onto High Road which includes a 5.5 metre wide access road with a 6m kerb radii and visibility splays of 2.4 x 120 metres are proposed in each direction. The scheme proposes a sustainable drainage system which would be a feature within the centre of the site with open space and landscaping across the site (incorporating a large woodland area to the north). A play area is proposed in the southern part of the site.

3.0 Site History

3.1 The relevant planning history is noted below:

Application Number	Proposal	Decision
17/00224/FUL	Erection of 66 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works	Approved
15/01050/PRETWO	Residential development including infrastructure and access	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Halton Parish Council	Object to the proposal for the following reasons: <ul style="list-style-type: none"> • The scheme should provide the full 40% affordable which was approved as part of application 17/00224/FUL • No development should be approved until such time the LLFA’s flood study report is complete.
County Highways	Objection to the amended driveway of plot number 1, and raises some concern regarding surface water management and internal layout. The applicant is looking to modify the internal layout to bring it to adoptable standards. The views of the Highway Authority will be verbally reported at the meeting.
Lancashire County Education	No objection but requests a financial contribution of £192,606.48 towards 12 primary school places at Caton Community Primary School.

Environmental Health	No objection , however have recommended a condition limiting construction activities between 0800-1800 Mon to Fri and 0800-1400 Sat.
United Utilities	No objection.
Engineering Team	No observations received within the statutory timescales.
Environment Agency	No comment
Fire Safety Officer	No objection.
Lead Local Flood Authority	Initially raised some concerns with the proposed drainage layout, but following amended proposals the LLFA raise no objection on the basis of conditions being secured to any grant of planning consent.
Natural England	Initially raised no objection to the development, but since the application has been submitted the SSSI impact risk zones have been updated, and now the application triggers the Cheshire to Lancashire Coast recreational disturbance bespoke Impact Risk Zone. The Local Authority therefore need to undertake an Appropriate Assessment. This has been shared with Natural England and comments are awaited.
Shell	No objection.
Greater Manchester Ecology Unit	Originally raised no objection to the development subject to conditions controlling landscaping, reasonable avoidance techniques on the local great crested newt populations and biodiversity enhancement, but have echoed the views of Natural England above that there is a need to undertake an Appropriate Assessment.
Public Realm Department	No observations received within the statutory timescales.
Lancashire Police	No objection though the scheme should be designed to Secured by Design standards.
Tree Officer	No observations received within the statutory timescales.
Waste Management Officer	Raises some concerns with layout and collection points for waste and recycling collections.
Halton Flood Action Group	This approval should not be granted until and unless the downstream High Road flooding and drainage issues (confirmed by the November 2017 flooding), which it will contribute to and are currently being studied by the LLFA, have been resolved. The site is in the worst place in the village for adding to drainage problems and flood risk, as it is at the top end of the natural flow paths through the village, down High Road and out to the River Lune.

5.0 Neighbour Representations

5.1 The application has generated **36 letters of objection** based on the following concerns:

- Drainage – The field already floods, and therefore approval of the scheme would exacerbate the situation for residents of Pointer Grove, Arrow Lane and the village of Halton; Halton flooded badly during Storm Desmond and also the November 2017 flooding, and this scheme is likely to increase pressure on the already constrained drainage network.
- Landscape and Visual Amenity – The development will be visually prominent on a steep sided hill that is in close proximity to the Forest of Bowland AONB. The scheme would be out of character as Halton is predominantly bungalows, and therefore the scheme as presented is out of keeping with the local vernacular.

- Highways Safety – Drivers disregard the speed limit on the local roads with the situation being exacerbated since the Heysham – M6 Link Road was opened in 2016; the hill falls steeply when approaching the village and this is when speeds are at their highest.
 - Local Infrastructure – Cannot cope with increased capacity within the village notably the local school and drainage.
 - Housing needs – The applicant should be providing the full quantum of affordable housing and there are a number of houses already for sale including new build housing on Halton Grange and Forge Weir View.
- 5.2 St Wilfred's Church of England School - **Objects** to the proposal on the basis that the local school is at capacity, highway safety concerns, and the sewerage system is inadequate for the development that is coming forward.
- 5.3 David Morris MP – **Objects** to the development given concerns on flood risk and lack of affordable housing proposed as part of the planning application.
- 5.4 Councillor Kevin Frea – **Objects** to the proposal given flooding issues, concerns over the loss of affordable housing and consider that this greenfield site is not suitable for development.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Section 2 – Achieving Sustainable Development
Section 3 – Plan Making
Section 4 – Decision Making
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting Sustainable Transport
Section 11 – Making efficient use of land
Section 12 – Achieving well designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and, (A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

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.

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.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

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

7.0 Comment and Analysis

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

- Principle of Development
- Affordable Housing
- Drainage
- Nature Conservation
- Highways
- Layout
- House Types
- Landscape and Visual Impact
- Trees
- Open Space
- Education Provision
- Other Matters.

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. It is important for Councillors to note that planning consent already exists for 66 dwellings on the site granted in 2018 under planning permission 17/00224/FUL. The application is nearly identical with the exception of the removal of one dwelling

house. However, the main change with the application is a reduction in affordable housing provision and an increased volume of storage for surface water.

- 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 Halton as a village where housing proposals would be supported in principle (this is consistent with the emerging plan also). Whilst the principle of housing development in Halton 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. 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 Halton with Aughton Parish Council have made an application to designate the area as a Neighbourhood Plan area. Consultation on this area designation took place in 2015 and the designation was approved on 26 October 2015. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing appropriate locations to achieve such development. 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 Halton is at a very early stage, and so little weight can be afforded to the community’s intention to prepare a Neighbourhood Plan, but nevertheless is still a material consideration. A number of the local residents on both this application, and the one approved in 2017, stated that in the 2015 Strategic Housing Land Availability Assessment this concluded that only 35 dwellings could be accommodated on the site, whereas this scheme is essentially double that figure. The SHEELA from May 2018 (on the back of the approval) suggests the site is deliverable on the basis of 66 dwellings. The SHEELA does not allocate land, but it is a technical exercise to review land which *may be* (our emphasis) suitable for development proposals.
- 7.1.6 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Halton 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.

- 7.1.7 The development is adjacent to residential properties along High Road and Pointer Grove and therefore it is considered that the development has some form of geographical relationship to the existing built form of Halton. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.
- 7.1.8 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 a population in the region of 2,220. Officers consider that an additional 65 dwellings can be seen to be proportionate to the scale and character of the settlement (even including the schemes being built out at Halton Grange and Forgeweir View). Local infrastructure has to be able to cope with the proposed expansion of the village and this is discussed in more depth in paragraphs 7.3, 7.5 and 7.11 and issues of design and landscape is considered in depth at paragraphs 7.6 and 7.8. On balance Officers consider that the development conforms to general principles of Policy DM42 of the Development Management Development Plan Document.

7.2 Affordable Housing

- 7.2.1 The extant consent provided for 40% affordable housing allowance, though since the approval of application 17/00224/FUL the applicant has concluded that in order to develop the site a reduction in the level of affordable provision is required to enable the development to be deliverable. The main reason for the deviation in affordable housing is as a result of the high costs associated with drainage infrastructure across the site and the lower than normal density rates owing to land levels.
- 7.2.2 For the benefit of Councillors, the other three large scale schemes that are being developed out in Halton are noted below. All the schemes have been assessed by the same viability consultant, and Forgeweir View and Land to the Rear of Pointer Grove share synergies with respect to being located on a sloping site. It is disappointing that the scheme has offered a reduced offering, but whilst the figure is low, Officers have sought to secure a mix of affordable homes, including 3 and 4-bedroom properties. Whilst a higher quantum of affordable units could have been secured using 1-bedroom units as the predominate size, it was not considered appropriate. Given a number of 1-bedroom units being secured on the other larger schemes (notably the Story Homes scheme) it was elected to opt for larger units (in the form of the two 4- bed units which are for affordable rent).

Site	Education Payment	Affordable housing allowance
Forgeweir View (Wrenman Homes – 60 houses)	£0	10 units (16%)
Halton (Story Homes – 76 houses)	£312,780.32	17 units (22%)
Land to the rear of Pointer Grove (65 houses)	£192,606.48	8 Units (12%)

7.3 Drainage

- 7.3.1 There has been a number of concerns raised with respect to surface water drainage within the village, and villagers are understandably concerned given some of the village suffered extensive flooding during Storm Desmond in December 2015, and the floods in November 2017. It should be stressed that the site lies within Flood Zone 1 and therefore the site is considered to be at low risk of flooding. Notwithstanding the above, there is a culverted watercourse that drains the site and the upland catchment. It currently poses a high risk of surface water flooding. This flood event is predicted to the narrow corridor within the centre of the site. The existing topography and drainage features within the site are proposed to be utilised to provide a sustainable drainage feature. This will utilise a series of cascading detention basins, with the existing culvert opened to create a permanent watercourse running through the site. Plot drainage, driveways and parking bays will be served by geo-cellular crates located within the driveways of each of the dwellings. It is proposed that mini flow chambers will be discharged to an attenuated rate of 0.2l/s into a new surface water sewer, with discharge into the detention basins/channels. With respect to highway drainage it is proposed that the highway network will incorporate a series of gullies and pipes which will convey the surface water flows into the cascading detention basins within the central belt of the site. Once the surface water has left the detention basin, surface water will be discharged into the existing 450mm diameter culvert within the site, connecting into the 750 mm diameter surface water

sewer to the rear of no 9 Pointer Grove, which eventually enters the surface water drainage system on Arrow Lane.

- 7.3.2 The Lead Local Flood Authority (LLFA) raised no objection to the 2017 scheme, but following review of the scheme again, they had some concerns regarding the pre-development run-off rates and in particular the detention basin volumetric storage improvements and the detailed hydraulic modelling. Over the course of the last 18 months there has been ongoing discussions between parties over quite detailed matters. This has resulted in an amended proposal but the proposal has been amended to account for an increased volume of storage within the blue-green corridor which is now proposed to be 1630m³ which has increased by 495m³ since the original application.
- 7.3.3 There is currently an earth bund that has been created to protect the rear gardens of properties on Pointer Grove (which was undertaken by the applicant in June 2015 after acquiring the site), and this has proven effective and performed as designed during the Storm Desmond event in 2015. The temporary bund, which was created to protect the existing houses on Pointer Grove, is proposed to remain until the main drainage works are completed on the site. Following this, the onsite surface water system and watercourse improvements will mitigate both on and off-site flooding concerns. Local residents during the 2017 application raised concerns with the loss of the bund but the applicant is still proposing to incorporate a 300mm high raised bund to protect boundary of the properties on Pointer Grove.
- 7.3.4 Officers are sympathetic to the concerns of residents, and some of the photographs submitted in support of residents' concerns show quite a significant volume of surface water being channelled through the site. The applicant did engage with the LLFA at pre-application stage and have held on-site meetings with them to discuss a suitable strategy with respect to handling surface water. The application before Committee has been heavily scrutinised by the LLFA. Whilst there have been a number of concerns raised in respect of this issue, the applicant has submitted detailed design plans with Officers. These have been reviewed at length, and the position is that there is no objection from the LLFA. Whilst it is accepted that this development will not solve the pre-existing problems in Halton, there is some betterment in this scheme as opposed to the extant scheme. A condition is recommended approving the Flood Risk Assessment, the detailed surface water drainage drawings submitted in support of the scheme and also the need for a maintenance plan. Whilst not requested by the LLFA, a condition is recommended to understand how the drainage will be phased across the site (given it is expected that the developer will be on the site for the region of 3 years).

7.4 Nature Conservation

- 7.4.1 The application is supported by an ecological appraisal which states that the site is an improved agricultural field, and that the main ecological interests of the site are the trees and hedgerows that the site contains. The Council's ecological advisor, Greater Manchester Ecology Unit (GMEU), would have wished to see the large mature ash tree remain (to be lost to facilitate the access arrangements), and consider that any loss of biodiversity, such as the loss of hedgerow, shall be transplanted or replaced. GMEU recommends conditions associated with landscaping, protection methods for amphibians and protection of nesting birds with no removal or works to hedgerows, trees or shrubs occurring between 1 March and 31 August. These matters can be controlled via the use of planning condition. Natural England has raised some concern with recreational pressure namely along the Morecambe Bay Coast. The applicant has produced a Habitat Regulation Assessment, which has been shared with Natural England (NE) and comments are expected from NE in advance of the Planning Regulatory Committee.
- 7.4.2 The blue-green corridor provides an opportunity to provide habitat as does the planting associated with the scheme (especially to the north of the site). On balance it is considered that the development is acceptable from a nature conservation perspective and in time there will be net gain from a biodiversity perspective. The blue green corridor has the potential to be an exemplar of a sustainable drainage scheme in the District that not only promotes effective water management but creates biodiversity gain.

7.5 Highways

- 7.5.1 There was no objection to the application in 2017 from County Highways on the basis that planning conditions were imposed on any consent. The application is supported by a comprehensive Transport Assessment, which concludes that the 85th percentile speed indicated is 42 mph north east bound and 39mph south west bound. These figures have been used to inform the visibility splays required to facilitate the development are 2.4m by 120m in either direction (which have been provided).

- 7.5.2 County has recommended that there is a review of existing street lighting together with gateway features, together with an upgrade of a bus stop and signage for 20mph along High Road. They have suggested to Officers that the proposed layout, whilst emulating the consented scheme, would not be suitable for adoption and therefore have raised this as a concern. These comments have been relayed to the applicant, and Officers expect an amended layout in advance of the Committee meeting. Councillors will be verbally updated.
- 7.5.3 The village amenities, such as local shops, doctor's surgery and primary school, are located to the west of the application site. Rather than having to cross Kirkby Lonsdale Road and back again to get to the local shops. The consented scheme provided for a 2-metre footway to tie in with a footway to Arrow Lane of 2 metres in width. The same has been asked for by the County this time around.
- 7.5.4 It is noted that there has been significant concern among local residents that since the opening of the Bay Gateway in October 2016, there has been a significant increase in traffic through the village, together with an increase in vehicle speeds approaching and exiting the village. It was noted during site visits that on occasions vehicles were travelling at a speeds greater than the speed limit. None of the above issues are in doubt, and the views of the local community are noted here, but given there is no objection from the statutory consultee on highway safety and capacity it has to be concluded that the development can be found acceptable from a highway's perspective (assuming the issues around layout can be addressed).
- 7.5.5 On the basis that the applicant can satisfy the concerns of the County Council, and no objection is lodged in respect of highway safety, it is recommended that from a highway safety perspective the scheme will be safe.

7.6 Layout and House Types

- 7.6.1 The scheme is essentially split into two distinct areas which are proposed to be separated by the applicant's surface water drainage solution (the blue-green corridor). The southern element of the site contains a mixture of terraced, semi-detached and detached units and the northern part of the site containing mostly detached houses. Plot levels vary across the site with the site sloping to the south west where at the lowest site levels would be in the region of 48 metres AOD and towards the south east part of the site levels are in the region of 68 metres AOD. The site is split by the blue-green corridor which is in the region of 0.43 hectares.

Southern Layout

- 7.6.2 Officers initially had concerns with the relationship of the built form with Kirkby Lonsdale Road/High Road and the applicant has responded to the concerns via an amendment to the layout which provides for five less units compared to the initial scheme; the re-positioning of a number of the dwellings; and also the provision of a play area (to the north of units 19-23). Whilst the scheme does still feel quite suburban, Officers consider that there is a substantial improvement compared to the originally submitted scheme. In general design terms, garden sizes and privacy between dwellings is considered acceptable. As part of the amendments to the scheme plots 4 and 5 have been pulled back from 10 and 11 Pointer Grove, and there is now circa 24 metres between the conservatory of 11 Pointer Grove and the nearest habitable window of Plot 5.
- 7.6.3 Whilst there are still urban parking courts proposed, which are not entirely characteristic of the village, it is considered that the amendments that have been incorporated into the scheme have been beneficial to the development. A boundary treatment plan has been submitted in support of the scheme. The proposed boundary treatment for the majority of the southern half of the site is close boarded timber fencing, though through discussions with the agent, hedgerows and some stone walling has now been included (which is considered a little more sympathetic to Halton). No landscaping scheme has been included within the submission but this can be controlled by planning condition. Whilst the southern area still feels suburban the amendments that have been sought are considered sufficient to enable Officers to recommend to Councillors that the layout can be supported.

Northern Element

- 7.6.4 The northern element of the site consists of predominately detached units with some semi-detached properties, and two 1-bed apartments. To the far north consists an area that is proposed to be woodland planting varying between 30-40 metres in depth and 180 metres in length. This is a challenging site to develop, and during the pre-application process the extent of the development on this northern part of the site has reduced, separation distances between properties increased and the provision of a landscaped embankment within the centre of the site to safeguard amenity has all occurred. On the whole (and given the challenging nature of the gradients) it is considered that the scheme has been well designed in this location by the utilisation of split level units and the landscaping area that is proposed to exist between properties on the terrace of units 34-44 and units 45-52. Between plots 40 and 49 there is circa 6.5 metres incline between the properties and to account for this they have provided a separation of 31.8 metres. Given the presence of the landscaping area between the units it is considered that on balance privacy can be maintained.
- 7.6.5 Developing on sloping sites requires special consideration and the use of retaining walls feature heavily in the scheme, which mainly consist of timber sleepers. However, render walls and the like will be utilised. It is considered that this element is acceptable subject to a condition being attached for finished floor levels and site levels to be agreed.
- 7.6.6 Representations from Pointer Grove and those properties along High Road that overlook the site have raised concern with respect to outlook and privacy. There will be a substantial change as part of the development proposal. The case officer has visited a property on Pointer Grove and fully appreciates that having a view of housing where currently there is none would be an undesirable outcome for the occupiers, and that the rolling nature of the fields from the rear elevations of Pointer Grove is an attractive landscape. However, it is considered that given separation distances this would not result in there being an oppressive outlook from the existing dwellings.

7.7 House Types

- 7.7.1 The applicant has sought to utilise 16 house types ranging from apartments to four-bedroom detached units, and these are the applicant's standard house types. It should be noted that whilst standard, the applicant is based in Kendal in Cumbria, and has developed sites across North Lancashire and Cumbria (most recently the Shielling development in Arkholme - which comprised 14 new build dwellings and across the border into Cumbria the applicant is developing out Oakfield Park in Kirkby Lonsdale). It is considered that the properties are generally in keeping with the local vernacular. The scheme has benefitted from pre-application advice, and this has resulted in all roofs being of natural slate, a mix of render/ natural stone and timber style boarding being utilised. The mixture of materials will add interest to the scheme and is to be fully supported, and rather than typical white uPVC windows the applicant has chosen to utilise slate grey.

7.8 Landscape and Visual Impact Assessment

- 7.8.1 The site lies within National Character Area 20 (Morecambe Bay Limestones) but is also in very close proximity to National Character Areas 31 (Morecambe Bay and Lune Estuary) and National Character Area 33 (Bowland Fringe and Pendle Hill). The landscape is rolling and undulating and is typical of the landscape character in this part of the District and beyond into Cumbria. At a local level the site falls within the Landscape Character Type 13c Drumlin Field – Docker-Kellet-Lancaster.
- 7.8.2 It is clear that the scheme would result in a complete change in the character of the site itself, and whilst there are urban influences to the west of the site, the site is predominately rural in nature. A key trait of Landscape Character type 13c is the need to conserve the distinctive rolling landform. The scheme as proposed would go against the grain of this requirement. However, it is recognised that this is a fairly extensive character area, so a loss to a small part of it could be deemed acceptable.
- 7.8.3 Given the change from field and hedgerows to an urban form it is inevitable that the resulting effect would be significant in selected viewpoints. From a visual perspective it is considered that for properties on Pointer Grove (that back onto the site) and those that overlook the site on High Road that there would be an adverse impact associated with the development.

7.8.4 The Forest of Bowland Area of Outstanding Natural Beauty (AONB) boundary is 500 metres from the application site and given the elevated nature of the development it is inevitable that when viewed from within certain viewpoints in the AONB the scheme would be seen. Given the proximity to the boundary of the AONB the views of the Forest of Bowland have been sought. No comments have been received in relation to this application but they raised no objection to the original proposals and comment that from within the AONB the proposed development would show a slight extension towards it.

7.8.5 Landscape impact is a subjective issue and engenders different reactions from different professionals. There is no doubt that the scheme will have impacts upon the landscape character and also visual amenity of residents that cannot be easily mitigated. Notwithstanding this, Officers consider (with the exception of the viewpoints from High Road and Pointer Grove) that the overall impact is moderate. Furthermore, the Local Planning Authority cannot demonstrate a deliverable 5-year housing land supply and therefore schemes have to be considered in the content of the presumption in favour of sustainable development. Whilst it is considered that there would be impacts on the landscape it is deemed that these would not demonstrably outweigh the benefits attributed to providing market and affordable housing in Halton, which is a sustainable location.

7.9 Trees

7.9.1 A total of five individual trees (T2, T4, T6, T8 & T9) and four hedges (H1, H3, H5 & H7) have been identified in relation to the proposed development. Species include, ash, hawthorn, elder and holly.

7.9.2 By and large the proposals allow for the retention of the majority of existing trees and hedges. However, trees T8, a mature ash, T9, a mature hawthorn and a large section of hedge, H7 (comprised of mainly hawthorn and elder) are proposed for removal in order to accommodate the proposed new access and to meet the required highway visibility splays. The Tree Officer on the 2017 application had no objection to the loss of T8 as this is showing signs of decline and the proposed loss of T9 is unlikely to have any significant impact upon the character of the site.

7.9.3 Concerns have been raised with respect to the loss of the hedgerow to facilitate the access and necessary sightlines (circa 80 metres of hedgerow is proposed to be lost). The Tree Officer's favoured approach in 2017 would be to push the existing hedgerow back into the required position. Whilst this would be preferable, the applicant is proposing compensation for this along the site's frontage and also introducing significant planting within the site. Concern has been raised with respect to the development's impact on T2 which is a large ash tree and Plot 1 (the closest dwelling to this tree being in the region of 4 metres from the tree canopy), but these concerns were allayed by the applicant in the 2017 application.

7.10 Open Space

7.10.1 A scheme based on the number of units proposed would be looking to provide in the region of 1252m² of amenity space on the site. The large open space copse area that is proposed to the north of the development alone comprises 9847m². The scheme also proposes the blue green corridor which equates to 4253 m², and the large verge area to the east of plots 44 and 45, and 760m² associated with the central planted area. Combined this amounts to 1.67 hectares which is significant given the site is 4.3 hectares in area (39%).

7.10.2 Following discussions with the agent a small playground is proposed, and this has been located to the north of plots 19-23. No details of play equipment has been provided but following discussions between Officers and the applicant this will feature 5 pieces of equipment and will be secured by means of planning condition. This is a large development, but Halton is well equipped with community facilities and therefore it is considered that rather than an off-site contribution it would be more beneficial to have a high-quality open space on the site. It would have been beneficial to include an area of land that could be used as a kick-about area but land levels do not accommodate this and in any event the pitches at the Halton Community Centre are less than a 10 minute walk away.

7.11 Education Provision

7.11.1 The County Council has requested that a financial contribution towards primary school provision is required in support of the scheme which amounts to £192,606.48. This is to contribute to 12 primary school places at Caton Community Primary school, not the St Wilfrid's Church of England School in Halton. It is acknowledged that St Wilfrid's Church of England School is over-subscribed at present with

246 children on the Roll and the future planned net capacity for January 2025 as being 240 whereas the projected pupils by January 2025 is 275. County has not elected to name St Wilfrid's School to receive the financial contribution but Caton Community. Officers do have some concern as for Caton Community Primary the projected pupil projection for January 2025 is 35 whereas the future planned net capacity is 70. Officers have therefore sought clarification from the County as to whether it is reasonable to secure monies for this school despite there being an apparent capacity in 2025.

7.11.2 The Governing Body of St Wilfrid's Church of England Primary has objected to the scheme on the basis that the village school is already over-subscribed and that given the number of recent planning approvals within the village that the school does not have the capacity to meet an identified need for school places. This ties in with the County Council's own projections.

7.12 Other Matters

7.12.1 The scheme is removed from any Listed buildings and the Conservation Area in Halton, and it is considered that given the intervening built form between the Conservation Area and Listed buildings (380 metres away) there would not be any harm to the setting of the Conservation Area or any Listed building. Whilst conditions have been recommended by the contaminated land officer, it is considered that an unforeseen contaminated land condition would suffice. To protect the amenity of the area it is considered that Permitted Development rights should be removed and a condition requiring electric vehicle charging points is also recommended.

7.12.2 Given the scale of development an employment and skills plan should be the subject of a planning condition. Given the local authority cannot demonstrate a 5-year housing land supply and to boost its housing delivery rather than the typical 3-year commencement condition a 2-year condition is proposed. The Council's waste management officer has raised some concern on the layout, but it is expected with the amendments that are required by the Highway Authority that this will allay the concerns of the waste management officer. A condition is recommended associated with refuse storage in any event.

8.0 Planning Obligations

8.1 The applicant is amenable to the following being secured by legal agreement:

- Provision of **eight** (8) units to be affordable (4 units to be shared ownership and 4 units to be affordable rented).
- Contribution of **£192,606.48** towards primary school education at Caton Community Primary School (12 primary places) (subject to clarification from the County Council as education authority).
- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and management company.

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 valuable contribution towards meeting the need for market and affordable homes, and the significant landscaping that is proposed would have environmental benefits and this is attributed modest weight. Whilst there are concerns regarding highway and drainage impacts, assuming County Highways can be satisfied, this neither weighs in support or against the scheme.

9.2 There will be a harmful effect on the character and appearance of the area as there will be a change from open farmland to housing development - the overall impact being moderate though in close views that would increase to significant. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the landscape impact. 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 Councillors support the scheme subject to the conditions and obligations contained within this report.

Recommendation

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

1. Two-year timescale for implementation
2. Development in accordance with approved plans (to be listed)
3. Detailed plans of site access
4. Offsite highway works
5. Protection of visibility splays
6. Car parking to be provided
7. Electric vehicle charging points
8. Unforeseen land contamination
9. Development in accordance with the submitted Arboricultural Implications Assessment
10. Removal of Permitted Development rights
11. Garage use restriction
12. Provision of landscaping scheme
13. Landscaping management plan
14. Finished floor and site levels
15. Material samples
16. Open Space – provision of 5 pieces of play equipment, maintenance, timetable for implementation
17. Details of retaining walls and boundary treatments, including finishes.
18. Reasonable avoidance methods for Great Crested Newts and Biodiversity enhancement
19. Development in accordance with the Flood Risk Assessment
20. Development in accordance with the submitted surface water drainage proposals
21. Covered cycle parking and refuse provision
22. Submission of a drainage scheme to account to being phased across the site.
23. Submission of surface water drainage management and maintenance
24. Vegetation removal outside of bird breeding season
25. Arboricultural Method Statement to be submitted
26. Employment and Skill Plan

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

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

URGENT BUSINESS UB115**PLANNING APPLICATION - 19/01302/FUL – JUMP RUSH, 21 NORTHUMBERLAND STREET,
MORECAMBE****Councillor Consultation**

I am in agreement with the recommendation:

To approve: -

That Planning Permission be granted in principle and delegated back to the Head of Planning and Place for the following details to be submitted and agreed before the decision is issued:-

- Methodology for applying the vinyl
- Maintenance regime for the vinyl
- Site/car park plan with associated swept path analysis

and subject to the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Finish to elevation, including its application, and appropriate maintenance regime
4. Prior to implementation of a retail use, submission and implementation of: off-site highway works; car park management plan; delivery and servicing plan; and covered and secure cycle parking
5. Details of any additional plant/ machinery and assessment of noise impacts
6. Retention of pedestrian links, benches, cycle stands, bollards etc – shown on site plan
7. Hours of opening – 08.00 to 22.00
8. Hours of servicing/delivery – 08.00 to 19.00 Monday to Saturday and 10.00 to 16.00 on Sundays and Public holidays
9. Restriction of retail to non-food A1 (food and drink sales not exceed 30% of floorspace)

Signed: Sandra Thornberry

Position Held: Chair of Planning Regulatory Committee

Dated: 31/03/2020

Chief Executive Decision

I agree to exercise my delegated authority and approve: -

That Planning Permission be granted in principle and delegated back to the Head of Planning and Place for the following details to be submitted and agreed before the decision is issued:-

- Methodology for applying the vinyl
- Maintenance regime for the vinyl
- Site/car park plan with associated swept path analysis

and subject to the following conditions:

1. Standard 3 year timescale
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4. Prior to implementation of a retail use, submission and implementation of: off-site highway works; car park management plan; delivery and servicing plan; and covered and secure cycle parking
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9. Restriction of retail to non-food A1 (food and drink sales not exceed 30% of floorspace)



Signed:

Position Held: Chief Executive

Dated: 31.03.2020

Agenda Item	Committee Date	Application Number
A7	30 March 2020	19/01302/FUL

Application Site	Proposal
Jump Rush 21 Northumberland Street Morecambe Lancashire	Change of use from trampoline park (D2) to a flexible use [to enable changes in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] comprising either retail (A1) or leisure (D2) use, and alterations to the external cladding of the building

Name of Applicant	Name of Agent
J.E.T. Ltd.	Mr Matthew Wyatt

Decision Target Date	Reason For Delay
Extension of time until 02/04/20	None

Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval subject to the receipt of amended elevation plans and site plan

(i) Procedural Matters

The application was deferred by Planning Committee at the meeting on 7 January 2020 to allow time for the applicant to re-design the elevation treatments and to provide a consistent site plan, to address the concerns raised at the meeting.

1.0 The Site and its Surroundings

- 1.1 The site comprises a large private car park and a large building located to the rear of properties which front onto Marine Road Central, approximately 200 metres to the west of the main town centre area of Morecambe. The car park is accessed from Northumberland Street to the east and is located adjacent to the Morecambe Conservation Area, which covers the buildings fronting onto both Marine Road Central and Northumberland Street. The building is located towards the eastern boundary of the site on land that was formally used as part of the larger car park prior to its construction in 2017, and is used as a trampoline park.
- 1.2 A number of large buildings, which face towards the seafront, back onto the site, including Winter Gardens (a Grade II* Listed building), which adjoins Pleasureland. These buildings are mainly two and three storey, although part of the rear of the Winter Gardens is approximately twice the height of the Pleasureland building. To the east of the site is a terrace of three storey properties, which front onto Northumberland Street. These contain a mix of uses including residential, offices and a public house. To the south and south east are Council-owned car parks which are adjacent to the Festival Market and accessed from Central Drive.
- 1.3 The site lies within Morecambe Town Centre boundary, is a Regeneration Priority Area and is within the Morecambe Area Action Plan area.

2.0 The Proposal

- 2.1 This application seeks to change the use of the building that was constructed in 2017 from a leisure use (D2) to a flexible use comprising either a retail use (A1) or a leisure use (D2). This would essentially allow the use of the building to be changed to retail, with the ability for this to be reverted back to the current use without requiring a further planning application. The building could be used for either use over a 10 year period from the grant of consent, but would retain the last use at the end of this period, under Class V of Part 3 (Schedule 2) of the current General Permitted Development Order.
- 2.2 The application also seeks to change the external finish of the building from that approved. An application to vary the conditions on the original consent for the trampoline park (17/00718/VCN) allowed the building to be finished in a vinyl which would be applied to vertical grey panels on the building, comprising various shades of blue. Unfortunately, this work was never undertaken. The current application originally proposed the building to be finished in three shades of grey, and gave three options for the arrangement. This was amended to incorporate some blue and provide a wave or hill line type pattern across the elevations. Following concerns raised at the Planning Regulatory Committee meeting in January, this has now been further amended but still incorporating a wave pattern although now divided horizontally rather than on each individual vertical panel. Full plans and details of how this will be applied are still to be provided by the agent, although a plan of one elevation has been submitted.

3.0 Site History

- 3.1 Planning permission (16/00578/FUL) was granted at the Planning and Highway Regulatory Committee, in August 2016, for the erection of a two storey indoor trampoline park with associated landscaping and parking and extension of a terrace to the rear of Pleasureland. In 2017 an application was submitted to vary conditions on this application in relation to the finish of the building and a boundary treatment and was subsequently approved (17/00718/VCN). The building was constructed in 2017 with the use commencing in the summer of that year.
- 3.2 In 2019, consent was sought for a flexible change of use, similar to the current proposal, but retaining the existing light grey finish to the building (19/00100/FUL). This was refused at the Planning Regulatory Committee in July 2019 for the following reason:

The proposed finish to the building fails to respond positively to its surroundings, fails to contribute to local distinctiveness and lacks architectural merit, giving the appearance of a large industrial building. The quality of the appearance of the building has been significantly diminished from the approved scheme and causes harm to the setting of the nearby designated heritage assets and the character and appearance of the town centre location in general. It is therefore contrary to the aims and objectives of the NPPF, in particular Sections 12 and 16, Policies DM32 and DM35 of the Lancaster District Development Management Development Plan Document and Policies SP1 and DO5 of the Morecambe Area Action Plan Development Plan Document.

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	Comments. Raise concerns that an isolated retail type outlet between the Arndale Centre and Morrisons site may damage the overall existing retailer offer.
County Highways	No objection to the leisure elements and a restricted food retail use, subject to conditions requiring a scheme for off-site highway works; a car park management plan; a delivery and servicing plan; and a scheme for secure and covered cycle parking.
Environmental Health	No comments received to the current application, however no objections were raised to the previous application subject to the restriction of delivery times, particularly during weekend periods. For Sundays, recommend restricting deliveries to between 10.00 and 16.00.

Conservation Officer	Object in relation to the original submission. The proposal would have a harmful impact on the setting of a Grade II* Listed Building and Conservation Area. The proposed façade treatment is unimaginative and commonplace and fails to take design cues from its context, and therefore cannot be considered to contribute to local distinctiveness in the context of Policy DM35. Concerns raised in relation to the amended scheme, considered at the January Committee meeting. Considered an improvement with greater visual interest but that the design continues to be of a lower quality than is necessary to mitigate the harm caused by the building to the significance of the grade II* Listed Building. Comments in relation to the amended scheme to be reported at the meeting once full detailed plans have been received.
Winter Gardens Preservation Society	No comments received
Cadent Gas	Comments. There are low or medium pressure gas pipes in the vicinity of the site.

5.0 Neighbour Representations

5.1 No comments have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development

Paragraphs 85 and 86 – Ensuring the vitality of town centres

Paragraph 108, 109 and 110 – Access and transport

Paragraphs 124 and 127 – Achieving well-designed places

Paragraph 180 – Impacts from noise

Paragraphs 185, 192, 193-197 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and,
(A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

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.

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.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Core Strategy

SC1 – Sustainable development

SC5 – Achieving quality in design

SC6 – Crime and community safety

6.4 Development Management Development Plan Document

DM1 – Town centre development
 DM3 – Public realm and civic space
 DM12 – Leisure facilities and attractions
 DM20 – Enhancing accessibility and transport linkages
 DM21 – Walking and cycling
 DM22 – Vehicle parking provision
 DM30 – Development affecting Listed buildings
 DM31 – Development affecting Conservation Areas
 DM32 – The setting of designated heritage assets
 DM35 – Key design principles
 DM39 – Surface water run-off and sustainable drainage

6.5 Morecambe Area Action Plan Development Plan Document

Spatial policy SP1 - Key pedestrian routes and spaces
 Spatial Policy SP4 – Town Centre
 Development Opportunity Site DO5 – Festival Market and area
 Action Set AS8 – The Town Centre

6.6 Other Material Considerations

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

7.0 Comment and Analysis

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

- Principle of the change of use to retail
- Design and impact on heritage assets
- Highway impacts
- Impact on residential amenity

7.2 Principle of the change of use to retail

7.2.1 As set out above, the application seeks to change the use of the building from a leisure use (D2) to a flexible use of either retail (A1) or leisure (D2). If granted, this would allow either use to operate from this building over a 10 year period with flexibility to move between the two uses, but not operate them at the same time. This is allowed by virtue of Class V of Part 3 (Schedule 2) of the current General Permitted Development Order (2015). Consent was originally granted in 2016 for the erection of an indoor trampoline park, with a subsequent application granted in 2017 to vary some details on the approved plans. The consent was not restricted to this specific use so therefore any leisure use, falling within use class D2, could be operated from the building. Therefore, the principle of a leisure use has been established. The main consideration in terms of the principle of the proposal is the acceptability of a retail use in this location. Whilst there would be potential to revert back to a leisure use, after a retail use has commenced, there is no guarantee of, or requirement for, this.

7.2.2 The site is located within the Morecambe Town Centre boundary and is within land identified as 'Development Opportunity Site DO5' as set out in the Morecambe Area Action Plan (MAAP). As such, proposals for main town centre uses are encouraged in principle subject to the specific details being acceptable. Both leisure and retail are main town centre uses. However, it is disappointing that the leisure use would potentially be lost given the benefits that this type of use is considered to provide in this area, contributing to specific aims of the MAAP, particularly in a location which was previously devoid of activity. In relation to the Opportunity Site, the MAAP sets out that the location as a whole affords much potential as a leisure and entertainment hub and development here can augment the town centre, anchoring it at its western end. It goes on to say that there is scope for investment and

development to improve and extend what is on offer in this area and to increase vitality and activity. It is considered that a retail use would not provide the same benefits, though it would be difficult to resist given the location within the town centre and that it would be the change of use of an existing building.

- 7.2.3 The applicant provided a supporting statement, as part of the previous application, in relation to the proposed change of use. This sets out that after investing £2.7m in constructing and fitting out the purpose-built trampoline park, Jump Rush was opened in the summer of 2017. However, the business performance is following a downward trend. It goes on to say that turnover this year is 32% below what it was for the same period last year and visitor numbers are down 28%. The turnover that is being generated is not enough to be able to cover the running costs of the property, high insurance premiums, business rates and service the higher purchase payments for the equipment fit out. The business owners do not take a salary from the business and a process of non-domestic rates hardship relief is currently being sought from the Council. The trampoline park is therefore not profitable long-term and is a resource drain for other investment projects. By making better use of the building, the applicant has advised that it can be transformed into a use that is more profitable, thus covering business costs, which would then free up cash to be invested in other projects.
- 7.2.4 Whilst the loss of the leisure use is unfortunate, particularly so soon after it was brought into use, retail is a main town centre use and is therefore an acceptable use in this location.

7.3 Design and impact on heritage assets

- 7.3.1 The site is on the boundary of Morecambe's Conservation Area and immediately behind the Grade II* Listed Winter Gardens. The Conservation Area is designated for its historic linear development of seaside resort, its mixture of late-19th and early-20th terraced houses some with ground floor shopfronts and its eclectic mix of revival architectural styles. The Winter Gardens, formerly known as the Victorian Pavilion, is a landmark feature in Morecambe and is a particularly important example of a late-Victorian theatre. The significance of the building relates to its rarity as an example of late-Victorian theatre, its retention of architectural merit and its historic association with the exponential development of Morecambe as a seaside resort in the late-19th century.
- 7.3.2 The trampoline park is sited immediately behind the Winter Gardens and along the boundary of the Conservation Area. During the consideration of the planning application for the building and its use, it was acknowledged that the location and design of the proposal would have a direct impact on the setting of the Listed building and Conservation Area. The building measures 48 by 50 metres, with an external footprint of approximately 2,400sq.m, and is sited approximately 11 metres from the rear of the Listed building. The originally submitted design proposed horizontal profiled metal cladding in a silver finish, with a grey brick plinth and a blue cladded panel marking the entrance. The plans also showed some large panels containing images, spaced along the side of the building. It was considered that the original design had an overly industrial appearance and related poorly to the proposed leisure use and the town centre location, and was more akin to a building found on an industrial or retail estate. The Conservation Officer raised concerns regarding the proposed materials, massing and architectural design and set out that they would not make a positive contribution to the setting of surrounding heritage assets. In addition to the design, it was advised that consideration be given to moving the facing elevation further from the heritage assets. The applicant did not want to reduce the footprint of the building as it was considered that this was the optimal size for the use proposed.
- 7.3.3 Concessions were made with regards the scale and shape of the building, given the space and, in particular, the height that was required for the proposed use as a trampoline park. It was acknowledged that, given the size of building required for the type of leisure use proposed, it would never be able to fully respect the scale of the surrounding buildings, in particular the adjacent terraced properties, and would be seen as a stand-alone building. In this respect, the benefits of the proposed leisure use were a strong consideration in the determination of the application and the acceptance of the scale and design of the approved building. It was considered important to ensure that the proposal provided a high quality building, taking a contemporary approach, and possibly making it an attraction in its own right. As a result of the concerns, the design was amended to incorporate a new glazed entrance at the southwest corner with the remainder of the building finished in vertical cladding panels in three tiers, with varying thicknesses, with one background colour and two tones of blue, increasing in frequency towards the entrance to give an impression of movement. It was considered that the effect proposed with the use of the cladding could significantly enhance the appearance of the building and help to break up its overall bulk and massing. However, whilst the cladding was acceptable in principle, there

were some concerns regarding the arrangement proposed and, as a result, the precise details were covered by a condition on the planning consent.

- 7.3.4 During the course of agreeing the details covered by the conditions, a vinyl finish was proposed to vertical cladding panels, rather than using individual coloured panels. Concerns were raised with the agent in relation to this including: the finish; how it would be divided to look like individual panels of colour; how it would weather; and how any damage to the applied vinyl would be repaired. The original condition did not include maintenance of the panels and that raised concerns about ensuring that if the applied finish starting peeling or significantly fading, whether there would be sufficient control to ensure that this was replaced. As such, the use of a vinyl was considered acceptable in principle, as it would ultimately achieve the same aim as coloured cladding panels, providing that maintenance was covered by a variation to the original condition in relation to the materials. An amended scheme was subsequently agreed, which comprised four shades of blue and each vertical panel divided into three sections, varying in size.
- 7.3.5 The finish to the elevation was originally conditioned to be completed before the building was brought into use. However, when the application to vary the conditions was approved, the building had already been constructed and the applicant wanted to be able to open the trampoline park for the beginning of the school summer holidays. As such, the decision was issued with a condition requiring the works to be undertaken within a three month period. Further correspondence took place and we were advised that the works would be undertaken later on in the year, but unfortunately this never happened, but again we applied some flexibility as dry weather was required to install the vinyl finish. After some time it was realised that the only way to secure the required works would be to commence enforcement action. However, before any formal notices could be served, the applicant contacted the Council regarding the likelihood that the use would need to be changed and it was agreed that enforcement action would be held off to allow for an application to be submitted and it was envisaged that the works to the elevations would be resolved through this.
- 7.3.6 A similar application was submitted earlier in 2019 which sought to revert to the grey base colour of the cladding panels, which is its current appearance, without the coloured vinyl finish. This was similar to the originally submitted proposal which was considered to be unacceptable. The application was refused as a result of the proposed finish to the building and the impact on the setting of the Conservation Area and a Grade II* Listed Building and character and appearance of the town centre location in general. The external finish that was approved to the building was required to make the development acceptable in planning terms and that position has not changed. It currently has the appearance of a large utilitarian building, which does not respect the character and appearance of the area or the setting of the designated heritage assets. As discussed above, significant flexibility was employed by the Local Planning Authority in both the determination of the application, allowing such a large building in this location, principally due to the benefits that the leisure use would bring but also as it would have a high quality modern finish. The quality of the finish was then diluted by the use of a coloured vinyl rather than individual coloured panels, but was accepted, again to help establish the leisure use that would hopefully bring some wider benefits to this part of the town centre in particular. Officers also allowed the building to be operated without the completion of the building and were flexible in increasing the time for compliance that that set out in the condition in order to help the local business. However, this did not mean that the works were not essential to make the development acceptable.
- 7.3.7 The current application is a resubmission of the previous one that was refused. It includes a document which puts forward four options for the treatment of the elevations. Three of these use three shades of grey, incorporating the existing colour of the cladding panels, in different arrangements. The fourth just uses a light grey and a dark grey. It is considered that the use of the grey does not overcome the concerns regarding the industrial appearance of the building. It is considered that the options put forward are unimaginative and fail to take design cues from its context and therefore cannot be considered to contribute to local distinctiveness. In addition, Policy DO5 of the Morecambe Area Action Plan relates to the Festival Market and area and, in particular relation to the proposal, sets out that development should relate well in urban design terms to the rear elevations of the Winter Gardens, those of the other premises fronting Marine Road and the residential and other properties fronting Northumberland Street. The proposed vinyl film offers infinite design opportunities in terms of colour and layout, and it is felt that much more could be done to arrive at a façade treatment that does justice to its historic context and makes a positive contribution to the streetscape.

- 7.3.8 Following the refusal of the previous application, the Council was contacted by the agent and it was agreed that options could be considered before a resubmission was made, but unfortunately the agent failed to do this and instead submitted an application which did not fully take on board the previous concerns. Both previous Committee reports clearly set out that the proposed building was only acceptable in this location with a higher quality finish and a lot of correspondence has previously taken place in order to reach an appropriate solution. It is appreciated that there are concerns regarding the profitability of the current business, and there is sympathy for the applicant's financial situation. However, the requirements for the finish to the building were clear when planning permission was granted and compromises have already been made, allowing a less expensive solution and a longer timescale for completion to allow the applicant to operate the business.
- 7.3.9 Further discussions have been undertaken with the agent, and it was advised that more interest, and at least some colour, should be incorporated into the elevations. Some images of other developments that have used cladding or vinyl were provided to the agent to provide ideas of how the concerns could be addressed. One in particular incorporated a curved horizontal line, and it was thought that the use of such a feature could relate to waves or hills and provide more of a link to Morecambe. As such, draft amendments were provided incorporating two shades of blues to the existing light grey, with different thicknesses of blocks of colour that have a horizontal break forming a wave type effect. These amendments were reported to the Planning Regulatory Committee in January. The report set out that the proposed changes would provide a better finish to the building with more interest and a link to Morecambe. By retaining some of the existing finish to the building, the cost of the vinyl would be reduced, which is obviously a benefit to the applicant. It went on to set out that, once the amended plans have been received, the Conservation Team will be re-consulted and the response will be reported at the Planning Regulatory Committee. However, it is likely that the changes will adequately mitigate the harm that was previously identified, as a result of the scale and massing of the building, in relation to the setting of the designated heritage assets and the town centre area in general.
- 7.3.10 Following the receipt of these amendments, the Conservation Officer advised that the amendments are an improvement in conservation terms and the colour scheme provides a greater level of visual interest, with the 'wave' detail going a little way towards 'local distinctiveness'. However, it was still considered that the design continued to be of a lower quality than is necessary to mitigate the harm caused by the building to the significance of the grade II* Listed Building. In particular, that the erratic vertical pattern creates a type of visual restlessness which is overbearing in this context and it was suggested that the design was maintained on the lower half, with a solid blue introduced to the upper half. These comments were reported at the Committee meeting, and it was resolved that the application be deferred to allow the finish to the building to be reconsidered. It was generally considered that the introduction of the wave feature helped to break up the elevations, and the Conservation Officer's suggestion about having one colour on the upper half was welcomed, but recommended that this be retained as light grey. Particular concerns were raised about the prominence of the blue colours, and it was felt that these should be more muted, in line with the colouring of the rear of Winter Gardens and the stonework on the adjacent Northumberland Road terrace.
- 7.3.11 Following the meeting, discussions have been ongoing with the agent, and four different visualisations were produced with the existing grey retained on the upper half with either tones of blue or green on the lower half in a wave formation. Two of these retained vertical stripes of different thicknesses, and the other two incorporated a horizontal wave design. The agent advised that the architects looked at more of a sandstone colour but advised that it looked too much at odds with the rest of the building. Given that this is what was suggested by Councillors, it was asked that a photomontage could be provided for comparison. Having reviewed the suggested amendments, it is considered that the horizontal wave formation with more muted blue colours would provide the best visual appearance to the building, with this applied to all four elevations. Amended plans are being prepared on this basis. However, some concerns have been raised about how this will be applied as the building is constructed of individual panels. This means that there is a slight indent between each panel and it needs to be ensured that the vinyl can be applied to achieve what has been shown in the visualisation, with continued horizontal lines but also that it does not result in an air space between the panels under the vinyl which could impact on the long term retention and condition of the finish. As such, the agent has been asked to provide details of this before the application is determined.
- 7.3.12 The NPPF is clear that decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, and establish or maintain a strong

sense of place. Paragraph 130 sets out that Local Planning Authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme, such as through changes to materials used. The building as it is currently finished fails to comply with these requirements and therefore conflicts with the aims and objectives of the NPPF in addition to local design principles set out within DM35 of the Development Management DPD. However, it is considered that if amended plans are received in line with the discussions that have been undertaken, then it will provide an appropriate finish to the building.

7.4 Impact on residential amenity

- 7.4.1 There are a number of properties fronting onto Northumberland Street, adjacent to the site. These have a mix of uses including residential, offices and one public house. The building is quite close to the rear of these properties, separated by a yard area, which is enclosed by a black metal fence. In order to fully assess the implications of the change of use to retail, a noise assessment has been provided. The main potential impacts are likely to result from deliveries, which would take place in the yard adjacent to these properties, in addition to any additional external plant or machinery.
- 7.4.2 It is proposed that opening hours will be between 08.00 and 22.00, although it is not specified which days of the week. The noise assessment has been undertaken to assess the impacts associated with delivery noise considering the close proximity to residential properties and is based on the assumption that there will be one delivery a day. The assessment indicates that there is a likelihood of adverse impacts at the nearest receptor. The Environmental Health Officer has advised that, looking at the calculation method for the specific sound levels derived for deliveries it would appear that this has been averaged over the opening period which would effectively lessen the outcome of the impact. If the calculations were adjusted to apply a 15 minute delivery time period the specific sound level would be 62dB(A) and not the 51dB (A) cited within the report . The effect of this would result in a Rating Level of 19dB above background sound levels and would instead be an indication of 'significant adverse' impact.
- 7.4.3 Notwithstanding the above, the Environmental Health Officer has advised that, considering the context, the existing use, the proposed opening times (assuming deliveries will take place within 'day-time' periods) and on the basis that one delivery per day will take place, whilst the noise associated with deliveries would be clearly audible, there would not be an unreasonable impact. However, and in the absence of relevant sound information for weekend time periods, impacts associated with deliveries during weekend periods should be considered differently and earlier morning time periods are likely to be less acceptable. For Sundays, it has been recommended that deliveries are restricted to the period between 10.00 and 16.00. The provision of an acoustic fence would mitigate delivery noise but will be less effective should there be a direct line of sight from a sensitive receptor into the delivery area, which is likely from upper floor flats. No concerns have been raised in relation to increased vehicular movements associated with the car parking given the current longstanding use and the location of the car park in relation to nearest sensitive receptors. From the information provided it appears that plant will remain at its existing location and will be contained within the building. However, a condition can be added to ensure that any additional plant is not sited on the elevation closest to the residential properties or that it has an acceptable noise level.
- 7.4.4 Given the floor area of the building, it would be unlikely that there would only be one delivery per day. The agent has advised that the use is speculative so the potential operator of the retail unit is not known and it would be difficult to condition that only one delivery takes place. Therefore, the assessment must be based on a worst case scenario. There are also concerns regarding the visual impact of a 2.5 metre high acoustic fence that has been recommended by the noise assessment and this would require consent in its own right. In response to this, the agent suggested that the proposed A1 use was restricted to non-food retail, with the total floorspace for the sale of food and drink not exceeding 30%. This is likely to reduce deliveries to some degree from a wholly food retail use and would hopefully mean that there would be less need for early morning deliveries. Following further discussions with the Environmental Health Officer, it has been advised that there would not be a significant adverse impact on the amenities of the neighbouring properties, without the acoustic fence, provided that delivery times were restricted. During the course of the previous application the agent set out that the applicant would be satisfied with a condition restricting servicing/deliveries to the periods between 08.00 and 19.00, Monday to Saturday and between 10.00 and 16.00 on Sundays and Public

holidays. It is therefore considered that a proposed retail use, with limited food and drink sales, would not have a detrimental impact on the amenities of nearby residential properties.

7.5 Access and Highway Implications

- 7.5.1 Prior to the construction of the building, the site was used as a privately managed parking facility for 450 vehicles accessed off Northumberland Street. The previously approved site plan indicates that there are currently 214 spaces (including 7 disabled parking spaces) and 8 cycle hoops, although from counting the number of spaces on the plan it appears to show 211. Just before the application was reported to the January meeting, it was realised that the current scheme also sought to make changes to the approved car park layout. From further discussions with the agent and visits to the site, the application seeks consent for what has been marked on the ground which differs from what was previously approved. Whilst the plan still indicates that there are 214 spaces, from counting these indicated on the plan, there are 232 spaces and 6 cycle hoops. Of particular concern is the encroachment into the area at the rear of the existing properties fronting Marine Road which was to be clearly marked and retained as a service and delivery area for these property. The agent has now provided a vehicle tracking plan showing how this would be used, but it raises concerns about limited space for vehicles to pass leading to this area, that some turning encroaches into parking spaces and that one row of parking spaces faces directly onto this area with the potential for conflict with service vehicles when manoeuvring out of this area. It is considered important that sufficient serving space is retained to serve these buildings to ensure that existing and future uses are not prejudiced. The agent has therefore been asked to review this.
- 7.5.2 In the initial response from the Highway Authority, on the previous application, it was advised that a pm peak weekday and weekend day assessment of the signalised and roundabout junctions at the north and south ends of Northumberland Street was required. This was subsequently submitted, which demonstrated that there is adequate capacity to accommodate the development traffic for a food retail use. The Highway Authority has advised that there would not be unacceptable impact on highway safety or the capacity on the highway network, subject to the restricted retail use as discussed above.
- 7.5.3 The Highway Authority has requested some off-site highway works, as a result of the retail use, comprising the provision of tactile paving at the site access on Northumberland Street and at the uncontrolled pedestrian crossing point at the Central Drive/Northumberland Street roundabout to enhance the pedestrian provision for vulnerable users. It would be reasonable for this to be provided prior to any retail use of the building, and therefore should be conditioned as such.
- 7.5.4 The car park currently operates a pay and display system with charges up to 1 hour 90p, up to 3 hours £2.00 and up to 12 hours £3.00. Charges apply 24 hours a day, 7 days a week. Currently customers of Jump Rush, Vista Italian bar & kitchen and Soul Bowl can enter their vehicle registration details within the building, which provides up to 3 hours free parking. The system is managed by ANPR cameras and failure to comply results in a fine of £100. This system works well for mixed leisure uses, but it would be unusual for this system to operate for an A1 retail use, especially food. Even with the restricted use, it is still considered that further details of the car park management system would need to be submitted as part of a planning condition, applicable to the final uses of the premises.
- 7.5.5 There were also previously some concerns in relation to manoeuvring of large vehicles, more likely to be associated with deliveries for a retail use. As such, a swept path analysis has been provided. This shows that a full size articulated wagon can turn wholly within the site though it is a tight manoeuvring space and close to the vehicle access on Northumberland Street. This may impact upon movements at the site access. However, management of the deliveries would mitigate any impact upon highway safety. This can be controlled through a delivery and servicing plan that can be secured by condition. A scheme for covered and secure cycle parking has also been requested. There is a small amount currently provided, but a retail use is likely to increase staff numbers so further provision would be reasonable to encourage sustainable modes of transport for staff.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposed change of use to retail is acceptable in principle, given the town centre location. It is disappointing that the current leisure use is likely to be lost so soon after its commencement, particularly as the benefits of this use were a large part of the balance in favour of the development, in particular relation to the final design. The building would also retain the ability to revert to a leisure use within a 10 year period, although there is no guarantee that this would happen. It is considered that a restricted retail use could operate without having a significant impact on the amenities of nearby residential amenity or highway safety, subject to appropriate conditions.
- 9.2 A draft amended scheme for the finish to the building has now been informally provided. Subject to the formal receipt of suitable amended plans, it is considered that this would adequately mitigate the harm of such a large and more utilitarian type building in this town centre location close to heritage assets. The amended design will provide more interest and a connection to this location and is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of amended elevation plans and site plan and the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Finish to elevation, including its application, and appropriate maintenance regime
4. Prior to implementation of a retail use, submission and implementation of: off-site highway works; car park management plan; delivery and servicing plan; and covered and secure cycle parking
5. Details of any additional plant/ machinery and assessment of noise impacts
6. Retention of pedestrian links, benches, cycle stands, bollards etc – shown on site plan
7. Hours of opening – 08.00 to 22.00
8. Hours of servicing/delivery – 08.00 to 19.00 Monday to Saturday and 10.00 to 16.00 on Sundays and Public holidays
9. Restriction of retail to non-food A1 (food and drink sales not exceed 30% of floorspace)

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

URGENT BUSINESS UB116**PLANNING APPLICATION – 19/01531/FUL – CO-OP, CENTENARY HOUSE, REGENT ROAD, MORECAMBE****Councillor Consultation**

I am in agreement with the recommendation:

To approve :-

That Planning Permission be granted subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance with the approved plans
3. Materials/details including shop front, fascia, roller shutter, flues/vents/extraction facilities, windows and doors, cladding
4. Restriction of opening hours to 08:00-22:00 Monday-Saturday, 10:00-18:00 Sundays and bank holidays

Signed: Sandra Thornberry

Position Held: Chair of Planning Regulatory Committee

Dated: 31/03/2020

Chief Executive Decision

I agree to exercise my delegated authority and approve: -

That Planning Permission be granted subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance with the approved plans
3. Materials/details including shop front, fascia, roller shutter, flues/vents/extraction facilities, windows and doors, cladding
4. Restriction of opening hours to 08:00-22:00 Monday-Saturday, 10:00-18:00 Sundays and bank holidays



Signed:

Position Held: Chief Executive

Dated: 31.03.2020

Agenda Item	Committee Date	Application Number
A8	30 March 2020	19/01531/FUL

Application Site	Proposal
Co-op Centenary House Regent Road Morecambe	Change of use of retail store (A1) to mixed use comprising of retail store (A1), offices (A2), cafe (A3), workshops (B1) and events space (D1/D2) and installation of new entrances and shop frontages including fascia and integrated roller shutter, replacement windows and cladding

Name of Applicant	Name of Agent
Jo Bambrough	Sarah Renshaw

Decision Target Date	Reason For Delay
10 February 2020	Officer workload

Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

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

1.0 The Site and its Surroundings

The building forming the subject of this application is located at the corners of, and with frontages on, Regent Road, Clarendon Road and Westminster Road in the West End of Morecambe. It is a large structure set over 4 stories including the basement level. The structure as it currently stands has been constructed in phases. The earliest element dates from 1927 and is constructed with brick to the south western elevation facing Back Regent Road, coursed stone with ashlar stone string courses and window surrounds to the north western elevation facing Clarendon Road West whilst the primary north eastern elevation facing Regent Road is finished in fine cut ashlar. In the 1960s, an extension was added to the original building which consisted of a 'modern' addition finished in blue mosaic tiling followed by a reproduction of the original building finished in dressed ashlar to the Regent Road and Westminster Road elevations and brick to the Back Regent Road elevation. The building has multiple roof arrangements resulting from its staged development, including hipped and dual pitched roofs finished in slate as well as flat roof sections. The ground floor of the building now features modern shop frontages. The building was originally constructed as a convenience store and the part of the ground floor still remains in this use. However, the wider building has been empty and unused since the early 1990s.

2.0 The Proposal

2.1 This application seeks consent for the change of use of the building as a whole from its historic A1 retail use to a flexible mixed use development set over its 4 levels. The uses applied for include the retention of the existing A1 retail space to the ground floor, as well as the provision of flexible office and workshop spaces falling with the A2 and B1 use classes, an A3 café space as well as larger spaces that would cater for studio uses, events, markets, temporary exhibitions, galleries or conferences falling within the

D1 and D2 use classes. The intention for the development is to provide various different spaces to facilitate multiple flexible uses and uses that will facilitate the involvement of all sections of the community. In addition, the proposal will involve the installation of new entrances and shop frontages including fascia, installation of integrated roller shutters as well as replacement windows where required and cladding to the central blue mosaic tiled area.

3.0 Site History

3.1 The site has an extensive planning history. The most recent is detailed below:

Application Number	Proposal	Decision
19/00786/ADV	Advertisement application for the display of 3 externally illuminated fascia signs, 1 externally illuminated hanging sign, 1 non-illuminated wall mounted sign and 1 non-illuminated fascia sign	Permitted
19/00645/FUL	Installation of replacement plant equipment, installation of cladding to the side elevation and new fence panels to the side	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Environmental Health	No response received
Property Services	No response received

5.0 Neighbour Representations

5.1 No responses received.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
 Section 2 – Achieving Sustainable development
 Section 6 – Building a strong, competitive economy
 Section 7 – Ensuring the vitality of town centres
 Section 9 – Promoting sustainable transport
 Section 12 – Achieving well designed places
- 6.2 Development Management Development Plan Document
 DM1 – Town Centre Development
 DM20 – Enhancing Accessibility and Transport Linkages
 DM22 – Vehicle Parking Provision
 DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- Principle of the development;
- Scale, design and impact of the development upon the wider street scene;
- Residential amenity; and
- Highway impacts

7.2 Principle of the development

- 7.2.1 The applicant, the Exchange Creative Community CIC, are a community-led organisation currently based in West Street in the West End of Morecambe. The organisation currently operate a café and community gallery and art space. In addition to this, the organisation runs a studio space within the Arndale Shopping Centre with the overarching aim of supporting and developing Morecambe's creative offer.
- 7.2.2 The proposed development aims to create a hub for community-led businesses and enterprise start-ups through the provision of affordable, flexible and accessible workspaces, encouragement of networking and collaboration and the provision of education and training facilities. The operation will provide the shared infrastructure, resources and support services as well as complementary uses such as the A3 café to encourage cross trading and professional development. In addition, the proposal also intends to continue the provision of a local community sharing network of tools and equipment, known as 'the good things library'.
- 7.2.3 The proposal is situated within the West End of Morecambe, an identified local centre consisting of a mix of commercial uses such as retail stores and professional services as well as residential dwellings. The West End also benefits from public transport connections and is well connected to the wider area by a network of bus routes. In addition, Morecambe train station is a 15 minute walk to the north east. The site and wider area are evidently sustainable whilst the building forming the subject of the application is located in a central and accessible position within the community which it seeks to serve.
- 7.2.4 The proposed development will provide a large space which will allow an existing local business to continue to grow and develop. It will also continue the provision of existing services as well as allowing for the provision of extended and additional services and facilities to serve the local community and encourage social cohesion. Moreover, the development will facilitate the refurbishment and re-use of what is a large and principally located building that has been unoccupied for a long period of time and has fallen into disrepair, not only improving the appearance of this building but which could act as a catalyst for investment and regeneration in the wider area.
- 7.2.5 The proposal is considered to fully accord with the provisions of national and local planning policy through the creation of a mixed use development that seeks to encourage and facilitate a prosperous and competitive economy, support the creation of a vibrant and healthy community and re-use and enhance an existing prominent building within a sustainable local centre. On this basis, the principle of the mixed use scheme proposed is fully supported.

7.3 Scale, design and impact of the development upon the wider street scene

- 7.3.1 The majority of the subject building has been unused since the early 1990s and has subsequently fallen into a state of disrepair. It is a large and prominently located building within a central location in the West End of Morecambe. In its current condition the building as a whole detracts from the character and appearance of the wider area. However, given the fine ashlar and coursed stone elevations with slate roofing it is not a building without character. The proposed development will provide an opportunity for the building to be re-used and contribute to its wider refurbishment and regeneration.
- 7.3.2 The proposed development will require the replacement of the existing shop frontage to the later 1960's additions. At present this part of the building is boarded with timber, as are a number of windows to the upper floors. The replacement shopfront would incorporate a replacement timber fascia as well as an integrated roller shutter. In addition to this, general repair works to the windows and rainwater goods would be required. The central blue mosaic tiled section is also in a poor condition with sections of tiling missing. Following discussions with the agent of the application it is understood that this section could be clad with an alternative material which would serve to improve its condition and provide the opportunity for this element of the structure to appear less conspicuous. Overall, the proposal will serve to refurbish this structure and lead to a visual enhancement of the building's prominent exterior. The refurbishment of a large, prominent and centrally located building could also act as a mechanism for investment into the locality. On this basis, the proposed development is supported in respect of its scale and design, however, to ensure that the detail of proposed alterations, in particular the replacement shop frontage incorporating roller shutter and timber fascia, are of an appropriate design it is recommended that a condition is attached to the decision requiring the agreement of their detailing prior to commencement of the works.

7.4 Residential amenity

- 7.4.1 The nearest residential dwellings are those located to the rear/south west of the subject building which face onto Clarendon Road West and Westminster Street. These properties are detached from the subject building and are separated from the development site by Back Regent Road. There are also properties located on the opposite side of Regent Road facing onto the subject building.
- 7.4.2 These closest dwellings have a degree of separation from the subject building and are also located within a busy local centre that will have associated levels of background noise from the highway network and surrounding commercial activities. Given this setting, the nature of the proposed use and the proposed opening hours of 08:00-22:00, it is considered that the proposed development will not cause harm to the amenity of surrounding occupiers in respect of noise.
- 7.4.3 The proposal includes the provision of an internal bin store accessed from Westminster Road. The existing bin store for the A1 use, which is accessed from Back Regent Road, will remain as existing. The provision of an internal bin store for the proposed mixed use development will minimise the impact of waste storage on the amenity of neighbouring residents.

7.5 Highway impacts

- 7.5.1 The proposed development does not include the provision of off-street parking facilities which does contradict the requirements of Policy DM22 of the Development Management DPD. However, the site is located within a sustainable local centre in close proximity to numerous bus routes and Morecambe Train Station. It is therefore readily accessed via the public transport network. In addition, Regent Road and parts of the surrounding highway network are subject to highway restrictions. On this basis, the lack of parking provision can be accepted in this instance. Furthermore, County Highways has raised no objections to the proposed development.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposal seeks to create a hub for community-led businesses and enterprise start-ups through the provision of affordable, flexible and accessible workspaces, encouragement of networking and collaboration and the provision of education and training facilities. The proposal is considered to fully accord with the provisions of national and local planning policy. It will serve to encourage and facilitate a prosperous and competitive economy, support the creation of a vibrant and healthy community as well as protecting existing levels of residential amenity and re-use and enhancement of an existing prominent building within a sustainable local centre.

Recommendation

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

1. Standard 3 year timescale
2. Development to be carried out in accordance with the approved plans
3. Materials/details including shop front, fascia, roller shutter, flues/vents/extraction facilities, windows and doors, cladding
4. Restriction of opening hours to 08:00-22:00 Monday-Saturday, 10:00-18:00 Sundays and bank holidays

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