



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 10 JANUARY 2022

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

1 Apologies for Absence

2 Minutes

Minutes of meeting held on 6th December 2021 (previously circulated).

3 Items of Urgent Business authorised by the Chair

4 Declarations of Interest

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

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

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

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

Planning Applications for Decision

Community Safety Implications

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

Local Finance Considerations

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

Human Rights Act

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

5	A5 21/01134/VCN	Land Off Marsh Lane And Main Street, Cockerham	Ellel Ward	(Pages 5 - 11)
		Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (pursuant to the variation of condition 8 on planning permission 19/00438/FUL to raise the finished floor levels of plots 3, 4, 5 and 6).		
6	A6 20/00677/FUL	15 China Street Lancashire LA1 1ET	Castle Ward	(Pages 12 - 19)
		Retrospective application for the change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4).		
7	A7 20/00678/LB	15 China Street Lancashire LA1 1ET	Castle Ward	(Pages 20 - 23)
		Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition walls and roof		

lights and infilling of external doors on the second floor and installation of ventilation system.

- 8 **A8 [21/01323/FUL](#)** **Land Southeast Of Church Bank, Church Bank, Over Kellet, Lancashire** **Kellet Ward (Pages 24 - 37)**

Erection of 7 dwellings and associated access road.

- 9 **A9 [20/00699/FUL](#)** **Land Adjacent To 108 St Leonards Gate, Lancaster Lancashire** **Bulk Ward (Pages 38 - 53)**

Relevant demolition (retrospective) of existing workshop and the erection of a 3 and 4 storey building to create student accommodation comprising sixteen 1-bed studios and one 2-bed cluster flat (C3) and a bike/bin store room.

- 10 **A10 [20/00700/LB](#)** **Land Adjacent To 108 St Leonards Gate, Lancaster Lancashire** **Bulk Ward (Pages 54 - 59)**

Listed building application for removal of the buttresses and stone boundary wall from 108 St Leonards Gate and the erection of a 3 and 4 storey building.

- 11 **Delegated List (Pages 60 - 75)**

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Keith Budden (Chair), Sandra Thornberry (Vice-Chair), Paul Anderton, Victoria Boyd-Power, Dave Brookes, Abbott Bryning, Roger Cleet, Tim Dant, Kevin Frea, June Greenwell, Mel Guilding, Janice Hanson, Cary Matthews, Robert Redfern and Malcolm Thomas

(ii) Substitute Membership

Councillors Alan Biddulph (Substitute), Mandy Bannon (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute), Joyce Pritchard (Substitute) and Peter Yates (Substitute)

(iii) Queries regarding this Agenda

Please contact Eric Marsden - Democratic Services: email emarsden@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

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

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 17th December 2021.

Agenda Item	A5
Application Number	21/01134/VCN
Proposal	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (pursuant to the variation of condition 8 on planning permission 19/00438/FUL to raise the finished floor levels of plots 3, 4, 5 and 6)
Application site	Land Off Marsh Lane And Main Street, Cockerham
Applicant	Mrs Kailey Purcell
Agent	
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approve (subject to Section 106 Legal Agreement)

i) **Procedural Matters**

This application was presented to Planning Committee on 6 December 2021 and due to a conflict in conditions associated with two separate planning permissions this application is being re-presented to Planning Committee.

1.0 Application Site and Setting

1.1 The application site relates to a 1.35 hectare housing development located south of Marsh Lane (A588), positioned behind Main Street and The Old Smithy (a cul-de-sac of three detached dwellings) and north of the village football/recreation grounds. Land to the southwest is open countryside used for grazing. Cockerham is a small rural settlement predominately built up along either side of Main Street creating a very linear settlement pattern. It is located approximately 8.8km south of Lancaster City Centre, 3.3km southwest of Galgate and circa 6.8km north of Garstang

1.2 The site is allocated for housing within the Strategic Policies and Land Allocations DPD under Policy H2.10 for 36 houses. It is also located within an aerodrome safeguarding area. It is not within a flood risk area, protected by any landscape or nature conservation designation or within an area recognised as a designated heritage asset (such as conservation area or schedule ancient monument site). There are no protected trees within the site and the land is not constrained by any underground infrastructure (such as gas pipelines).

1.3 Permission was granted in February this year for erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (19/00438/FUL). This development has commenced and a number of units are completed.

2.0 Proposal

- 2.1 The application seeks approval to raise the finished floor levels of four plots in the northwest corner from the levels approved under 19/00438/FUL. The increase is between 500mm and 750mm (0.5 – 0.75 metre).
- 2.2 This application was considered by committee in December 2021 when the resolution was to approve subject to a variation to the original s106 agreement to reflect this and application 21/00277/VCN (which committee was also minded to grant). This application is being reported back to committee to amend a number of conditions. Nothing has changed since the December committee meeting, the s106 has not been completed and so the formal decision has not yet been issued, enabling this further consideration to take place.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/00277/VCN	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (pursuant to the variation of conditions 2 and 12 to amend approved floor plans and elevations and roofing material and add to the list of approved plans (condition 2) details required by conditions 6, 11, 12, 15 and 16 on planning permission 19/00438/FUL)	Minded to approve subject to s106 variation
21/00026/DIS	Discharge of conditions 2,3,4,5,7,8,9,10,13,14 and 19 on approved application 19/00438/FUL	Decided
19/00438/FUL	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space	Approved
16/00494/OUT	Outline application for the erection of up to 11 dwellings and associated access	Approved
15/00587/OUT	Outline application for the erection of up to 25 residential dwellings	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments to make
County Highways	No objection
LLFA	No objection
United Utilities	No objection
Fire Service	Standard Advice

- 4.2 No responses have been received from members of the public.

5.0 Analysis

- 5.1 The only consideration in the assessment of this application is the conditions to be imposed.
- 5.1.1 Section 73 applications have an internal suffix VCN and are also called variation of condition applications. The applicants had submitted two separate VCN applications: this application and 21/00277/VCN. When a s.73 application is granted it creates a new and separate planning

permission from the original and other s73 approvals. Therefore, when resolving to grant both these applications, two new permissions were created, either of which, as well as the original permission are capable of being implemented (but not together).

5.2.2 The proposed conditions for each reflected the discharge of many conditions attached to the original permission. However, each VCN application did not also include the details submitted under the other and therefore, each permission would not be able to have matching conditions, creating a confused position for both the developer and local planning authority. It would be very unclear which permission was subsequently implemented and may result in the developer having to submit details already submitted. Enforcement of conditions could also prove very difficult.

5.2.3 The simplest solution is to treat the applications as having been determined in chronological order. Therefore, application 21/00277/VCN remains as determined by committee in December with the conditions as set out in that report. However, this application 21/01134/VCN (coming after 21/00277/VCN) requires conditions to reflect the earlier permission and conditions given under 21/00277/VCN. These conditions are slightly different from those recommended in the December report because of the 21/00277/VCN decision. This enables the separate permissions to flow sequentially i.e. from the original which is then amended by 21/00277/VCN and amended again by this application, enabling conditions to be updated and a clear logic to which permission is implemented.

6.0 Conclusion

6.1 The proposed amendment to floor levels is acceptable and there is no planning balance to apply in this case.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions and a variation to the s106 agreement to reflect this permission:

Condition no.	Description	Type
1	Time Limit	Standard
2	Approved Plans List	Standard
3	SW Drainage	Prior to occupation/completion
4	Foul Water	Prior to occupation
5	Employment and Skills Plan	Throughout construction
6	Pipework protection	In accordance with approved details
7	Highways and Access construction	In accordance with approved details
8	Finished Floor Levels	In accordance with approved details
9	NDSS/M42	Control
10	Footway Connection	Prior to occupation of the 25 th house
11	Off Site Highways	In accordance with approved details
12	Materials	In accordance with approved details
13	Boundary treatment	In accordance with approved details
14	Landscaping	1 st planting season/following occupation
15	EV Charging	In accordance with approved details

16	POS Management and Maintenance	In accordance with approved details
17	Homeowner packs	6 Months from occupation
18	SW Management/Maintenance	3 Months from Occupation
19	Visibility Splays	Prior to occupation
20	Garage Use	Control
21	Parking provision	Prior to occupation
22	Implementation of AIA	Control
23	Removal of PD Rights	Control

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

Agenda Item	A5 Background Paper (A7)
Application Number	(21/01134/VCN)
Proposal	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (pursuant to the variation of condition 8 on planning permission 19/00438/FUL to raise the finished floor levels of plots 3, 4, 5 and 6)
Application site	Land Off Marsh Lane And Main Street, Cockerham
Applicant	Mrs Kailey Purcell
Agent	
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approve (subject to Section 106 Legal Agreement)

1.0 Application Site and Setting

- 1.1 The application site relates to a 1.35 hectare housing development located south of Marsh Lane (A588), positioned behind Main Street and The Old Smithy (a cul-de-sac of three detached dwellings) and north of the village football/recreation grounds. Land to the southwest is open countryside used for grazing. Cockerham is a small rural settlement predominately built up along either side of Main Street creating a very linear settlement pattern. It is located approximately 8.8km south of Lancaster City Centre, 3.3km southwest of Galgate and circa 6.8km north of Garstang
- 1.2 The site is allocated for housing within the Strategic Policies and Land Allocations DPD under Policy H2.10 for 36 houses. It is also located within an aerodrome safeguarding area. It is not within a flood risk area, protected by any landscape or nature conservation designation or within an area recognised as a designated heritage asset (such as conservation area or schedule ancient monument site). There are no protected trees within the site and the land is not constrained by any underground infrastructure (such as gas pipelines).
- 1.3 Permission was granted in February this year for erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (19/00438/FUL). This development has commenced and a number of units are completed.

2.0 Proposal

- 2.1 The application seeks approval to raise the finished floor levels of four plots in the northwest corner from the levels approved under 19/00438/FUL. The increase is between 500mm and 750mm (0.5 – 0.75 metre).
- 2.2 This application is being reported to committee for a decision because it considered the original application in November last year.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/00277/VCN	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space (pursuant to the variation of conditions 2 and 12 to amend approved floor plans and elevations and roofing material and add to the list of approved plans (condition 2) details required by conditions 6, 11, 12, 15 and 16 on planning permission 19/00438/FUL)	Pending
21/00026/DIS	Discharge of conditions 2,3,4,5,7,8,9,10,13,14 and 19 on approved application 19/00438/FUL	Decided
19/00438/FUL	Erection of 36 dwellings, creation of vehicular access with associated landscaping, regrading of land levels and provision of surface water drainage scheme and public open space	Approved
16/00494/OUT	Outline application for the erection of up to 11 dwellings and associated access	Approved
15/00587/OUT	Outline application for the erection of up to 25 residential dwellings	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments to make
County Highways	No objection
LLFA	No objection
United Utilities	No objection
Fire Service	Standard Advice

4.2 No responses have been received from members of the public.

5.0 Analysis

5.1 The key consideration in the assessment of this application is the visual appearance in the locality.

5.2 Visual Appearance (DMDPD Policies DM29, DM30)

5.2.1 The plots subject of this application are located in the north west corner of the site facing adjacent open fields to the west. Adjacent to the north of plot 3 is on site amenity open space and landscaping separating this plot from Marsh Lane by over 30m.

5.2.2 The proposed floor levels are above those approved by 500mm (plots 3 and 4), 750mm (plot 5) and 600mm (plot 6). These plots are at the lowest part of the site and even with the raised floor levels will be lower than all the other plots. Therefore, they will not have a significantly greater visual impact on the locality (including the open fields to the west) either on their own or cumulatively with the rest of the development than as approved.

6.0 Conclusion and Planning Balance

6.1 The proposed amendment is acceptable and there is no planning balance to apply in this case.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions and a variation to the s106 agreement to reflect this permission:

Condition no.	Description	Type
1	Time Limit	Standard
2	Approved Plans List	Standard
3	SW Drainage	Prior to occupation/completion
4	Foul Water	Prior to occupation
5	Employment and Skills Plan	Throughout construction
6	Pipework protection	No further development
7	Highways and Access construction	In accordance with approved details
8	Finished Floor Levels	In accordance with approved details
9	NDSS/M42	Control
10	Footway Connection	Prior to occupation of the 25 th house
11	Off Site Highways	No further development
12	Materials	Above Ground
13	Boundary treatment	In accordance with approved details
14	Landscaping	1 st planting season/following occupation
15	EV Charging	Above ground
16	POS Management and Maintenance	Above ground
17	Homeowner packs	6 Months from occupation
18	SW Management/Maintenance	3 Months from Occupation
19	Visibility Splays	Prior to occupation
20	Garage Use	Control
21	Parking provision	Prior to occupation
22	Implementation of AIA	Control
23	Removal of PD Rights	Control

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

Agenda Item	A6
Application Number	20/00677/FUL
Proposal	Retrospective application for the change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4)
Application site	15 China Street Lancashire LA1 1ET
Applicant	Mister Capital Holdings
Agent	Mr Michael Harrison
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This application has been referred to Committee by Cllr Brookes on the grounds of the following concerns; viability of the ground floor use of the listed building; quality of the accommodation proposed and to understand how DM13 is applied to city centre conversions. As such, in line with the Scheme of Delegation in the Council’s Constitution, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

- 1.1 The application site is located on China Street, Lancaster on the junction with Church Street. The overall site comprises the former Duke of Lancaster public house, a grade II listed building and its associated curtilage listed former stable block which lies to the south of the plot with a gable fronting China Street. An open service yard lies between the main three storey building and the single storey stable block to the rear of the plot which is in use as four student apartments with the benefit of planning and listed building consents. The first and second floors of the subject building have been converted to two flats without the benefit of planning permission and are known as flats 5 and 6, 15 China Street. The ground floor, which was last used as a restaurant, is identified as 75 Church Street. The ground floor is also the subject of a legal agreement which prevents it being used as a public house.
- 1.2 The neighbouring properties are 73 Church Street, a listed town house currently used as a solicitor’s office and an open car parking area associated with the neighbouring office building which lies to the south of the site. The eastern gable of the stable building forms part of a larger boundary wall separating 73 and 75 Church Street. The ground floor of 75 Church Street recently gained listed building consent for works to facilitate its use as a restaurant by new tenants.
- 1.3 The site is located on the eastern side of China Street within the boundary of the city centre. China Street forms part of the one way gyratory system which runs through the city centre and is a public transport corridor and cycle route. The site is within an Air Quality Management Area and Lancaster

Conservation Area.

2.0 Proposal

2.1 The application seeks retrospective planning permission for the change of use of the first and second floor managers accommodation to student accommodation comprising of one 7-bed flat and one 4-bed flat. Works have involved minor changes to the internal layout and the installation of rooflights.

3.0 Site History

3.1 The property has been the subject of an ongoing Enforcement case since April 2013. At that time, it came to the attention of the local planning authority that unauthorised works had taken place to the building to facilitate a change of use of the first and second floor to separate living accommodation. Although consent was subsequently granted for some works to the listed building (13/00692/LB) an Enforcement Notice was issued in April 2014 which required the use of the first and second floors as separate residential student accommodation to cease within six months of the date of the Notice. The reasons for issuing the Notice related to air quality impacts and noise impacts on the occupiers from the ground floor public house use. The Enforcement Notice was subsequently appealed but this was dismissed by the Inspector in February 2015 and the enforcement notice upheld.

3.2 Notwithstanding the outcome of the Enforcement Notice appeal, internal and external works to the listed building continued despite conditions not having been discharged in respect of 13/00692/LB. However, these works were the subject of ongoing monitoring by the Senior Conservation Officer at that time and conditions were formally discharged in August 2015. Parallel to this, applications were submitted (14/01322/FUL and 14/01323/LB) in December 2014 for the change of use of vacant former stable block which was associated with the original public house to form four student apartments. These permissions were granted in September 2015 but were subject to a legal agreement to ensure that the ground floor of the adjacent building could not be used a public house in order to protect the residential amenity of the occupants of the converted stable building.

3.3 Since the outcome of the Enforcement Notice Appeal, the applicant has received regular contact from the Planning Enforcement Team which encouraged the applicant to submit an application to regularise the unauthorised residential use of the upper floors of the building through the submission of planning and listed building applications with the necessary supporting documents in relation to air quality and noise.

3.4 Applications 18/00119/FUL and 18/00120/LB were subsequently submitted in February 2018. These applications were the same as the current submissions but failed to fully assess the impacts on the student accommodation from the ground floor use with regard to noise and failed to give adequate consideration to air quality measures. Although the use had already commenced, the applicant was advised to withdraw the applications at that time and resubmit with all of the required information. The scheme was re-submitted in April 2019 (19/00477/FUL and 19/00478/LB) but the applications were returned in July 2019 as they had remained invalid despite the fact that the applicant had been notified and reminded that outstanding information was required for the purposes of validation. The current applications were submitted in July 2020 but pending the submission of required information they were not validated November 2020. Notwithstanding this, the applicant was required to carry out a further noise assessment in respect of the ground floor restaurant use and the possible impacts on the residential amenity of the upper floors.

3.5 Relevant site history:

Application Number	Proposal	Decision
20/00678/LB	Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition walls and roof lights and infilling of external doors on the second floor and installation of ventilation system	Pending consideration
20/01363/LB	Listed building application for the infilling a doorway and removal of an internal wall at ground floor level and	Permitted

	installation of new steelwork	
19/00477/FUL	Change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4)	Application returned
19/00478/LB	Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition walls and roof lights and infilling of external doors on the second floor and installation of ventilation inlet to roof	Application returned
18/00119/FUL	Change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4)	Withdrawn
18/00120/LB	Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition walls and roof lights and infilling of external doors on the second floor and installation of ventilation inlet to roof	Withdrawn
14/01322/FUL	Change of use of vacant former stable block to form 4 no. student apartments	Permitted
14/01323/LB	Listed Building consent for works to facilitate the change of use of former stable block, within site curtilage of vacant public house (A4) to form 4 no. student apartments (C3)	Permitted
13/00692/LB	Listed Building Consent for various alterations including replacement windows, doors, gates and works to ceilings, courtyard and elevations and the blocking up an existing doorway	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No objection
Environmental Health	No objection subject to conditions
County Highways	No objection
Waste and Recycling	Advice regarding the provision of refuse storage
Lancashire Constabulary	Advice regarding security measures
Lancaster University	Raise a number of points: <ul style="list-style-type: none"> • In terms of the current supply and demand of student accommodation within Lancaster City Centre the University would like to see the evidence of the current Lancaster City Council supply and demand analysis. • Recommend that any developments are homes under the Lancaster University Homes remit. • Development should adhere to Fire Service requirements • Consideration should be given to adequate light levels, noise and air quality assessment.

4.2 No items of public comment have been received.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Amenity and standard of accommodation
- Heritage impacts
- Air quality and Noise
- Other Matters

5.2 **Principle of development - Strategic Policies and Land Allocations DPD Policies SP1: Presumption in Favour of Sustainable Development; SP2: Lancaster District Settlement Hierarchy; Development Management DPD Policies DM1: New Residential Development and Meeting Housing Needs; DM7: Purpose Built Accommodation for Students; DM13: Residential Conversions; Residential Conversions and Houses in Multiple Occupations SPD 8 December 2020 and National Planning Policy Framework sections 2, 6, 8, 9, 11 and 12.**

5.2.1 The NPPF and policy SP1 offer a presumption in favour of sustainable development. The location is within the urban area, and in this respect it is sustainable as the site is situated in a central location, close to local services and facilities and is close to public transport routes (bus routes) to Lancaster University and the University of Cumbria.

5.2.2 In the 2015 Enforcement Notice appeal decision, it was noted by the Inspector that “the upper floors have been converted into good quality student accommodation with each floor having a shared kitchen and living room and a number of en-suite bedrooms”. The Inspector also noted that the residential use of the upper floors of this town centre building was encouraged by, and compliant with former local plan policies H20 and H22 which were in place at that time (policy H20 encouraged the residential use of upper floors in town centre properties and policy H22 supported the creation of new houses in multiple occupation (HMO) that met the needs of, and limited to particular groups). However, policies H20 and H22 were superseded by the Development Management DPD which was adopted in July 2020.

5.2.3 Policy DM13 of the DMDPD states that proposals which involve residential conversions must meet the following criteria:

- I. Provide accommodation that will address local housing needs and imbalances in the local housing market;
- II. Contribute towards the provision of affordable housing in accordance with Policies DM3 and DM6;
- III. Not result in a significant detrimental impact on the amenity of nearby residents and the character and appearance of the street scene; and
- IV. Satisfy all other relevant planning policy including the requirements of Appendix H where appropriate.

Specifically in relation to Houses in Multiple Occupation (HMOs), DM13 highlights the importance of maintaining an appropriate housing mix and safeguarding the character of residential areas to be important priorities. In doing so, the Council have adopted an approach of a general presumption against new housing in multiple occupation within the district. Proposals which would lead to a concentration of more than 10% of houses being classed as HMOs of the total housing stock within a 100m radius will not be considered acceptable. This includes proposals for changes of use to HMOs, or extensions to existing HMOs.

5.2.4 HMO Density Records show a concentration of 45.45% including the two applied for, so the proposal does not accord with DM13. Policy DM13 goes on to state that proposals may on exception be considered acceptable where:

- V. Effective measures are proposed to minimise noise and other forms of disturbance to neighbouring residential properties;
- VI. Suitable means of storage including refuse, recycling and bicycle storage is provided;
- VII. The proposal would not harm the character of the building or surrounding area;
- VIII. The proposal would not result in unacceptable impact on parking including unacceptable levels of on-street parking;
- IX. The proposal would not result in the creation of sub-standard living conditions.

It is considered that even if points V. to IX. are satisfactorily addressed, no case has been put forward which would allow the local planning authority to consider the proposal as an exception and that there would be alternative uses of the upper floors which would have a greater level of policy compliance, such as a single residential unit or holiday accommodation.

5.2.5 The applicant has argued that policy DM13 was brought into effect to safeguard the character of residential neighbourhoods and safeguard dwellinghouses and not a mixed use site as proposed. However, in the Enforcement Notice appeal decision, the Inspector noted that 'There is no longer any internal connection between the ground floor and the upper floors and it is clear that the use of the upper floors is independent of the use of the ground floor.' It is considered that the former Duke of Lancaster public house is now comprised two separate planning units and as such the proposal is not for a mixed use as the application relates to the upper floors only. Furthermore, DM13 does not relate to a specific geographical or residential area within the District and the Council's concerns regarding the concentrations of HMOs within the City Centre are highlighted by the recent introduction of an Article 4 direction which covers central Lancaster as well as the surrounding residential areas. The Article 4 came into force in November 2021 and removes permitted development rights which allow the change of use of a building from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation). Although the introduction of the Article 4 does not directly influence the determination of this application, the fact that the direction includes the City Centre is a material consideration.

5.2.6 The applicant has also argued that applying DM13 in this case would be at odds with policy DM16 which is within chapter 6 of the DPD which relates to Town Centres and Retailing. The applicant has highlighted a paragraph from Policy DM16 which states that;

"proposals for residential development within city or town centre locations will be considered favourably provided that they are above ground floor level and do not restrict the maintenance of an active street frontage, particularly within a designated retail frontage. Such proposals should include a separate and secure access, preferably to the rear of the property that does not result in a net loss of ground floor retail space".

It is considered that the applicant has taken the above paragraph out of context as the primary aim of DM16 is to direct main town centre uses (such as shops and services) to the defined town centre. Furthermore, policy DM16 does not override the requirements and criteria of policy DM13 which are wholly relevant in this case.

5.2.7 The applicant commenced and completed works of conversion some years ago (without the benefit of planning permission) and at that time the scheme would have been policy compliant. In conclusion, it is unfortunate that the applicant did not heed the advice of the local planning authority some time ago in order to regularise matters. Although the site is considered to be in a sustainable location the proposal fails to comply with current policy DM13 and as such the principle is unacceptable.

5.3 **Amenity and standard of accommodation - Development Management DPD Policies DM7: Purpose Built Accommodation for Students, DM29: Key design principles; Appendix G: Purpose Built Student Accommodation and National Planning Policy Framework section 12.**

5.3.1 Notwithstanding the principle of development not being acceptable in this location, policy DM13 Residential Conversion stipulates that HMO proposals should not result in the creation of substandard living conditions. Appendix G of the DMDPD sets out standards for converted shared accommodation. Bedrooms should be a minimum of 9sqm or minimum of 11sqm with an en-suite and there must be at least one bathroom for every three bedrooms. Similarly, a kitchen/dining room needs to demonstrate a range of equipment can be accommodated within the room and should not serve more than six residents. All living spaces (kitchens, kitchen/diners, dining rooms, living rooms and bedrooms) must have an adequate level of natural light and adequate outlook (i.e. clear glazed windows with the lowest part of the glazing set at a height no greater than 1.5m from the finished floor level with a separation distance of at least 12m between the window and any wall or structure opposite (or at least 21m if facing windows serving a habitable room).

5.3.2 In terms of the accommodation, two flats are provided over the first and second floors. The first floor flat has 7 bedrooms, three of which are en-suite shower rooms with the four remaining rooms served by a single shower room which includes a W.C. in addition to a separate W.C. In terms of room sizes all those within the first floor flat are deemed acceptable. However, there is an issue with the outlook from rooms 5 and 6. Room 6 is served by a window which looks into a glazed lightwell which is 2.8m wide. Room 5 is shown on plan as having no window at all but the agent has confirmed that this is an error and this room is also to be served by a window into the lightwell

(revised plans are awaited in this regard and councillors will be verbally updated). This does not accord with the guidance set out within Appendix G and as such it is considered that these rooms would not provide an acceptable level of natural light and adequate outlook for the occupants.

5.3.3 Turning to the second floor, this would provide a four bedroom flat. Each room would be en suite and comply with the room sizes set out by Appendix G. In terms of outlook rooms 1 and 2 would comply but rooms 3 and 4 are to be served by rooflight windows. As per Appendix G, this may be acceptable if the lowest part of the glazing is set at a height no greater than 1.5m from the finished floor level with a separation distance of at least 12m between the window and any wall or structure opposite (or at least 21m if facing windows serving a habitable room). However, the submitted plans indicate that the rooflight windows to flat 3 would be 2.25m above the finished floor level and approximately 2m from the floor level in flat 4 which would have an outlook over the roof plane of flat 3 approximately 4m away. As such this would not accord with the guidance set out within Appendix G and consequently it is considered that these rooms would not provide an acceptable level of natural light and adequate outlook for the occupants.

5.3.4 Most of the room sizes are in excess of the guidance set out within Appendix G and this might normally allow some degree of flexibility with regard to compliance, particularly in the case of a proposal which would seek to bring a listed building back into an active use. However, in this case it has been identified that two of the rooms within each flat would not meet the standards of light and outlook which would normally be expected. As such it is considered that overall, the submission fails to meet the requirements of Appendix G.

5.4 **Heritage impacts - Development Management DPD Policies DM37: Development Affecting Listed Buildings, DM38: Development Affecting Conservation Areas, DM39: The Setting of Designated Heritage Assets. National Planning Policy Framework sections 12 and 16.**

5.4.1 The proposal relates to a Grade II Listed Building, which is situated in a Conservation Area. As outlined in the Planning (Listed Buildings and Conservation Areas) Act 1990, the local authority should have a desirability of preserving the Listed Building and any features of special interest which it possesses (s.16 and 66) and preserving or enhancing the character and appearance of the Conservation Area (s.72). The National Planning Policy Framework (NPPF) outlines that, in determining applications, the local authority should take account of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (par.192). It highlights that any harm to the significance of a designated heritage asset should require clear and convincing justification (par.194) and great weight should be given to the conservation of the designated heritage asset (par.193). This is reiterated by Policies DM37, DM38 and DM39 of the DM DPD. Policy DM37 relates to development affecting Listed Buildings and state that proposals which involve the alterations or extensions to Listed Buildings, including any partial demolitions, should be based on an accurate understanding of the significance of the asset. Proposals which involve external and/or internal alterations to a Listed Building which would have an adverse impact on the special architectural or historic character of the building and/or their surroundings will not be permitted.

5.4.2 In terms of alterations to facilitate the use, minor changes to the internal layout have been undertaken and involve alterations to timber stud partitions and the insertion of a number of conservation roof lights. It is noted from the planning enforcement history that these unauthorised works were the subject of some oversight by the Senior Conservation Officer at the time. The current application includes the proposed installation of a ventilation system in association with the air quality mitigation.

5.4.3 Whilst the retrospective and proposed works to the listed building are acceptable in their own right, they are not considered to be essential to the future preservation or enhancement of the building. Although the degree of heritage impact is very modest, the physical interventions implemented at the site could only be justified where this supports an acceptable use and development of the site. There is a public benefit of bringing the building back into use and refurbishing the building. However, the use is considered to be unacceptable for the reasons set out above and therefore the public benefits of bringing the building back into use are outweighed by the principle of development being considered as unacceptable and therefore the development is considered contrary to NPPF Paragraph 202 and policy DM37.

5.5 **Air Quality and Noise - Strategic Policies and Land Allocations Policy DPD EN9: Air Quality Management Areas; Development Management DPD Policies DM29: Key design principles, DM31: Air Quality Management and Pollution, DM32: Contaminated Land. National Planning Policy Framework sections 11, 12 and 15.**

5.5.1 The site is within the Lancaster Air Quality Management Area which broadly follows the gyratory system running around Lancaster and the one way system to the north of the city including the bridge crossings over the River Lune. Whilst the development in itself may not add to the vehicle movements in the area and a potential to reduce air quality, the site is located within an area with acknowledged air quality issues and action plans where development needs to be assessed both in terms of its potential to impact upon future air quality but also the potential impacts of the current air quality conditions upon the development and its occupiers.

5.5.2 The current submission has been supported by an Air Quality Assessment by Miller Goodall which suggests that mitigation is required and could be provided by installation of a mechanical ventilation system. The assessment concludes that the site is affected by air quality issues and will need to be ventilated by mechanical means. Given air quality impacts, particularly upon the western facade of the building, it is recommended that a “whole house” type of ventilation system be installed to rooms facing China Street and Church Street. The clean air inlet for the ventilation system would be at roof level on the eastern facade of the development. Ventilation layout drawings have been provided and this approach has the support of Environmental Health and is subject to undertaking of the development to address the mitigation measures, no objections were raised.

5.5.3 With regard to noise, a report by Martin Environmental Solutions has been provided which identified traffic as being the main source of daytime noise and considered mitigation. Following a request by the Case Officer a further noise assessment was provided which examined potential noise impacts from the use of the ground floor as a restaurant. It is the opinion of the Environmental Health consultee that the impact of noise from traffic and general city centre noise, and the commercial premises below the flats has been adequately assessed in submitted noise assessments.

5.5.4 The Environmental Health consultee is satisfied provided with mitigation measures as outlined in the air quality and noise reports to provide secondary double glazing and mechanical ventilation to resolve the noise and air quality issues. In the event of the application being viewed favourably a condition would be added to ensure that these measures are installed within a set time period.

5.6 **Other Matters**

5.6.1 Waste Storage – The upper floors are already in residential use and the existing site includes the provision of waste storage facilities to the rear of the property. It is considered that the bin storage area will provide sufficient space for the required number of bins to serve the development.

5.6.2 Highways – The County Highways consultee has reviewed the submission and is satisfied that works will have no impact on existing access arrangements around or within the building. Cycle storage provision is already in place and the site is in a highly sustainable location close to shops and services as well as public transport routes.

5.6.3 Habitat Regulations Assessment – In accordance with the Conservation of Habitats and Species Regulations 2017 the Council have undertaken a Habitat Regulations Assessment in order to assess the impact of the development proposal upon the special characteristics of the European Designated habitat sites protecting Morecambe Bay. It has been determined that likely significant effects upon these designations can be mitigated through the provision of ‘Homeowner Information Packs’ to be supplied to each unit of accommodation. This could be controlled through planning condition in the event of an approval.

6.0 Conclusion and Planning Balance

6.1 Whilst the heritage impacts of the proposal are very modest, this harm is unjustified due to the unacceptable use of the site. The Council considers the importance of maintaining an appropriate housing mix to be an important priority. In doing so, the Council have adopted an approach of a general presumption against new housing in multiple occupation within the District. Furthermore, the scheme fails to provide a satisfactory standard of amenity for all residential occupiers. The additional

economic activity of accommodating students within the site is a modest benefit to the proposal. However, this fails to outweigh nor justify non-compliance with policy DM13 or Appendix G of the DMDPD. As such, the proposal is recommended for refusal.

Recommendation

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

1. The concentration of Houses in Multiple Occupation (HMOs) within 100 metres of the subject property equates to 45.45%, which exceeds the maximum concentration of 10% prescribed by Policy DM13 and the submission fails to demonstrate that an exception to the Policy should apply in this instance. The retrospective application is therefore considered to be contrary to Policies DM1 and DM13 of the Development Management Development Plan Document (2020) and the Residential Conversion and Houses in Multiple Occupation Supplementary Planning Guidance (December 2020) and the aims and objectives of the National Planning Policy Framework with respect to impact on character and distinctiveness of the locality (paragraph 197).
2. As a result of the change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4) the retrospective development results in the creation of sub-standard living conditions by virtue of inadequate light and outlook to two of the bedrooms within each flat. Therefore, the application is considered to be contrary to Policy DM13 and Appendix G of the of Development Management Development Plan Document (2020) and the aims and objectives of paragraphs 119, 130 and 185 of the National Planning Policy Framework.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council has provided access, via its website, to detailed standing advice for householder development in the Lancaster District (the Householder Design Guide), in an attempt to positively influence development proposals. Regrettably the proposal fails to adhere to this document, or the policies of the Development Plan, for the reasons prescribed in the Notice. The applicant is encouraged to consult the Householder Design Guide prior to the submission of any future planning application.

Background Papers

None

Agenda Item	A7
Application Number	20/00678/LB
Proposal	Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition walls and roof lights and infilling of external doors on the second floor and installation of ventilation system
Application site	15 China Street Lancaster Lancashire LA1 1ET
Applicant	Mister Capital Holdings
Agent	Mr Michael Harrison
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

1.0 Application Site and Setting

- 1.1 The application site is located on China Street, Lancaster on the junction with Church Street. The overall site comprises the former Duke of Lancaster public house, a grade II listed building and its associated curtilage listed former stable block which lies to the south of the plot with a gable fronting China Street. An open service yard lies between the main three storey building and the single storey stable block to the rear of the plot which is in use as four student apartments with the benefit of planning and listed building consents. The first and second floors of the subject building have been converted to two flats without the benefit of planning permission and are known as flats 5 and 6, 15 China Street. The ground floor, which was last used as a restaurant, is identified as 75 Church Street. The ground floor is also the subject of a legal agreement which prevents it being used as a public house.
- 1.2 The neighbouring properties are 73 Church Street, a listed town house currently used as a solicitor's office and an open car parking area associated with the neighbouring office building which lies to the south of the site. The eastern gable of the stable building forms part of a larger boundary wall separating 73 and 75 Church Street. The ground floor of 75 Church Street recently gained listed building consent for works to facilitate its use as a restaurant by new tenants.
- 1.3 The site is located on the eastern side of China Street within the boundary of the city centre. China Street forms part of the one way gyratory system which runs through the city centre and is a public transport corridor and cycle route. The site is within an Air Quality Management Area and Lancaster Conservation Area.

2.0 Proposal

- 2.1 The application seeks retrospective Listed Building Consent for the for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition

walls and roof lights and infilling of external doors on the second floor and installation of ventilation system.

3.0 **Site History**

- 3.1 The property has been the subject of an ongoing Enforcement case since April 2013. At that time, it came to the attention of the local planning authority that unauthorised works had taken place to the building to facilitate a change of use of the first and second floor to separate living accommodation. Although consent was subsequently granted for some works to the listed building (13/00692/LB) an Enforcement Notice was issued in April 2014 which required the use of the first and second floors as separate residential student accommodation to cease within six months of the date of the Notice. The reasons for issuing the Notice related to air quality impacts and noise impacts on the occupiers from the ground floor public house use. The Enforcement Notice was subsequently appealed but this was dismissed by the Inspector in February 2015 and the enforcement notice upheld.
- 3.2 Notwithstanding the outcome of the Enforcement Notice appeal, internal and external works to the listed building continued despite conditions not having been discharged in respect of 13/00692/LB. However, these works were the subject of ongoing monitoring by the Senior Conservation Officer at that time and conditions were formally discharged in August 2015. Parallel to this, applications were submitted (14/01322/FUL and 14/01323/LB) in December 2014 for the change of use of vacant former stable block which was associated with the original public house to form four student apartments. These permissions were granted in September 2015 but were subject to a legal agreement to ensure that the ground floor of the adjacent building could not be used a public house in order to protect the residential amenity of the occupants of the converted stable building.
- 3.3 Since the outcome of the Enforcement Notice Appeal, the applicant has received regular contact from the Planning Enforcement Team which encouraged him to submit an application to regularise the unauthorised residential use of the upper floors of the building through the submission of planning and listed building applications with the necessary supporting documents in relation to air quality and noise.
- 3.4 Applications 18/00119/FUL and 18/00120/LB were subsequently submitted in February 2018. These applications were the same as the current submissions but failed to fully assess the impacts on the student accommodation from the ground floor use with regard to noise and failed to give adequate consideration to air quality measures. Although the use had already commenced, the applicant was advised to withdraw the applications at that time and resubmit with all of the required information. The scheme was re-submitted in April 2019 (19/00477/FUL and 19/00478/LB) but the applications were returned in July 2019 as they had remained invalid despite the fact that the applicant had been notified and reminded that outstanding information was required for the purposes of validation. The current applications were submitted in July 2020 but pending the submission of required information they were not validated November 2020. Notwithstanding this, the applicant was required to carry out a further noise assessment in respect of the ground floor restaurant use and the possible impacts on the residential amenity of the upper floors.
- 3.5 Relevant applications include:

Application Number	Proposal	Decision
20/00677/FUL	Retrospective application for the change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4)	Pending consideration
20/01363/LB	Listed building application for the infilling a doorway and removal of an internal wall at ground floor level and installation of new steelwork	Permitted
19/00477/FUL	Change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4)	Application returned
19/00478/LB	Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors	Application returned

	on the first floor, installation of partition walls and roof lights and infilling of external doors on the second floor and installation of ventilation inlet to roof	
18/00119/FUL	Change of use of the first and second floor managers accommodation (C3) to student accommodation comprising of one 7-bed flat (sui generis) and one 4-bed flat (C4)	Withdrawn
18/00120/LB	Listed Building application for the removal of a partition wall, installation of new partition walls and internal doors on the first floor, installation of partition walls and roof lights and infilling of external doors on the second floor and installation of ventilation inlet to roof	Withdrawn
14/01322/FUL	Change of use of vacant former stable block to form 4 no. student apartments	Permitted
14/01323/LB	Listed Building consent for works to facilitate the change of use of former stable block, within site curtilage of vacant public house (A4) to form 4 no. student apartments (C3)	Permitted
13/00692/LB	Listed Building Consent for various alterations including replacement windows, doors, gates and works to ceilings, courtyard and elevations and the blocking up an existing doorway	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No objection

4.2 No items of public comment have been received.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle
- The impact on heritage assets

5.2 **Principle (NPPF Section 2: Achieving Sustainable Development);**

5.2.1 The accompanying full planning application (20/00677/FUL), which also appears on this Committee Agenda, outlines the planning considerations in this case. This Listed Building application considers the impact of the proposed alterations upon the character and appearance of the Listed Building and the Conservation Area.

5.2.2 Planning permission for the use is unlikely to be granted given the fact that 45.45% of the housing stock within 100m radius is HMO. Given this, a grant of Listed Building Consent for works enabling a change of use that will not happen is considered to be contrary to DM37 and Paras. 199,200,201,202 & 204 of the current NPPF. The proposal cannot be considered acceptable in principle.

5.3 **The impact on heritage assets Impacts on the heritage assets (NPPF Section 16: Historic Environment; policies DM37: Listed buildings, DM38; Conservation Areas; DM39: Setting of Heritage Assets)**

5.3.1 The proposal relates to a Grade II Listed Building, which is situated in a Conservation Area. As outlined in the Planning (Listed Buildings and Conservation Areas) Act 1990, the local authority should have a desirability of preserving the Listed Building and any features of special interest which it possesses (s.16 and 66) and preserving or enhancing the character and appearance of the

Conservation Area (s.72). The National Planning Policy Framework (NPPF) highlights that any harm to the significance of a designated heritage asset should require clear and convincing justification (par.200) and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (par. 202). This is reiterated by Policies DM37, DM38 and DM39 of the DM DPD. Policy DM37 relates to development affecting Listed Buildings and state that proposals which involve the alterations or extensions to Listed Buildings, should be based on an accurate understanding of the significance of the asset. Proposals which involve external and/or internal alterations to a Listed Building which would have an adverse impact on the special architectural or historic character of the building and/or their surroundings will not be permitted.

5.3.2 Formerly known as Black Bull Hotel, the former Duke of Lancaster public house dates from c1900 and the building is likely to be Austin and Paley with sandstone ashlar and roughcast upper floors with ashlar dressings. In terms of alterations to facilitate the use, minor changes to the internal layout have been undertaken and involve alterations to timber stud partitions and the insertion of a number of conservation roof lights. External doors on the second floor have also been infilled following the removal of an external fire escape. It is noted from the planning enforcement history that these unauthorised works were the subject of some oversight by the previous Senior Conservation Officer. The current application includes the proposed installation of a ventilation system in association with the air quality mitigation. It is also considered that secondary double glazing would be necessary in order to ensure occupants are not unduly impacted from external noise.

5.3.3 Whilst the retrospective and proposed works to the listed building are acceptable in their own right, they are not considered to be essential to the future preservation or enhancement of the building. Although the degree of heritage impact is very modest, the physical interventions implemented at the site could only be justified where this supports an acceptable use and development of the site. There is some public benefit of bringing the building back into use and refurbishing the building. However, the use is considered to be unacceptable for the reasons set out above and therefore the public benefits of bringing the building back into use are outweighed by the principle of development being considered as unacceptable and therefore the development is considered contrary to NPPF Paragraph 202 and policy DM37.

6.0 Conclusion and Planning Balance

6.1 Whilst the individual detail of the elements of this Listed Building application are broadly acceptable, the absence of planning permission for the use of the Listed Building in a Conservation Area, means that there is no overriding heritage argument supporting the works to facilitate the conversion which have been carried at the property. Given that the Listed Building application is incidental to the planning application, the local planning authority does not consider that it can presently support the works of which have been undertaken.

Recommendation

That Listed Building Consent **BE REFUSED** for the following reasons:

1. At this time there is insufficient justification that the proposed works required to the Listed Building to facilitate use as two houses in multiple occupation, as shown on the submitted plans, would facilitate the optimum viable use of the building given the use is not established via a grant of planning permission. Without such justification the Local Planning Authority cannot conclude that the harm identified would outweigh the public benefit of the proposal, including securing its optimum viable use, and as such the proposal is considered contrary to Policy DM37 of the Development Management DPD and to Paragraphs 199,200,201,202 and 204 of the NPPF.

Background Papers

None

Agenda Item	A8
Application Number	21/01323/FUL
Proposal	Erection of 7 dwellings and associated access road
Application site	Land Southeast Of Church Bank, Church Bank, Over Kellet, Lancashire
Applicant	Fellside Land Developments
Agent	HPA Chartered Architects
Case Officer	Mr Adam Ford
Departure	No
Summary of Recommendation	Approval (subject to S.106 Agreement)

1.0 Application Site and Setting

- 1.1 The proposed development is located to the south of the village of Over-Kellet, with the site accessed from Greenways. The application site comprises undeveloped pastureland and amounts to a site area of approximately 0.2 hectares. There are no buildings within the site, but the site is bound by hedgerows to the northwest whilst further north lie the properties on Greenways. A mature pond lies adjacent to the site and to the east the land rises steeply and contains a combination of Craggs and Woodland. Further south lies agricultural land and undeveloped fields.
- 1.2 To the immediate north of the site, reserved matters consent for 15 dwellings (20/01072/REM) has been granted whilst the existing residential properties on Church Bank, with their rear gardens lie beyond this. To the north east is Greenways which is a residential road with a mix of semi-detached and detached properties. The steeply rising land to the east is populated with trees along its ridge and incorporates a limestone pavement and craggs being evident also.
- 1.3 Although the application site is not within a protected landscape, it does lie adjacent to the Over Kellet Pond which is a Biological Heritage Site (BHS) and the Kirk House Craggs (to the east of the site) benefit from being a Regionally Important Geological Site (RIGS) and are also a Biological Heritage Site. The Kirk House Craggs also benefit from a Limestone Pavement Order (LPO). The nearest SSSI is Morecambe Bay which is approximately 5km to the west (which is also RAMSAR, SPA and SAC protected). Footpath 12 passes the north-western fringe of the application site and Footpath 13 is located 50 metres to the south of the proposal. St Cuthbert's Church which is Grade II* listed is located 180 metres to the southwest of the site, with Kirkhouse (also Grade II Listed) being located 140 metres to the south of the site.
- 1.4 The majority of the site is included within a Mineral Safeguard Zone (Limestone). In terms of nearby Tree Preservation Orders, TPO 391/2006 lies to the northwest of the site and relates to the land to the rear of 14 Church Bank. In addition, the two TPO belts lie adjacent to the site with TPO 134/1998 relating to trees within the Craggs and TPO 581/2016 relating to trees located to the south of the site. In addition, the access track which leads from Church Bank to the adjacent farmland is also subject to a recent TPO pursuant to 682/2020.

2.0 Proposal

2.1 This application, which is a re-submission of refused application 20/01073/FUL seeks planning permission for 7 dwellings and an associated access road to serve the development.

2.2 It should also be noted that although this application is for 7 dwellings, the scheme of 15 units approved under 20/01072/REM (by planning committee) is being developed by Fellside Land Developments. Collectively the two sites will operate as one holistic development. This means that in total, 22 units will be delivered (15 + 7) but this current application is only able to consider the merits of the 7 dwellings proposed by *this specific* submission.

2.3 The 7 units as proposed comprise the following mix:

- 4 x 4 bed property (type A)
- 3 x 3 bed property (type G)

When the previous application was refused, it was done so on the basis that the scheme failed to deliver the required number of affordable units. This proposal however offers the **full quantum** of affordable housing as required by policy DM3 with 42% of the units (plots 15, 16 and 17) being offered as shared ownership properties.

2.4 Each open property is provided with dedicated off-road parking in accordance with the maximum standards as set out within appendix E of the DM DPD document.

2.5 The 7 properties all benefit from private amenity space which generally comprises grassed rear gardens with a small amount of patio also provided. Externally, the properties will be finished with a mix of the following materials:

- Ivory K render
- Grey gutters and fascia boards
- Cast stone window cills and heads
- Reconstituted stone plinths
- Natural slate roofs

2.6 As demonstrated on the submitted layout plan, the current proposal for 7 units does not deliver any on site open space. However, the approved and linked application for 15 units makes up for this shortfall and this is explained in the report for 20/01072/REM as presented to the planning committee in September 2021.

3.0 Site History

Application Number	Proposal	Decision
16/00934/OUT	Outline application for the erection of 15 dwellings and creation of a new access.	Withdrawn.
16/01572/OUT	Outline application for the erection of up to 15 dwellings and creation of a new access	Approved
20/01072/REM	Reserved matters applications for the erection of 15 dwellings	Approved
20/01073/FUL	Erection of 7 dwellings and associated access road	Refused
20/01220/VCN	Outline application for the erection of up to 15 dwellings and creation of a new access (pursuant to the variation of condition 2 on approved application 16/01572/OUT to amend the red edge of the approved location plan).	Pending Consideration

4.0 Consultation Responses

4.1 With respect to this application, the following responses have been received from statutory and internal consultees:

Consultee	Response
Lead Local Flood Authority	No specific comments offered in relation to this application (the LLFA are only consulted on major planning applications) but no objection raised to the site wide drainage measures proposed and approved under 21/00148/DIS and thus there is no reason to expect an objection at this point.
Natural England Public Realm	No objection to proposal subject to homeowner packs being secured Position remains the same with no objection raised in response to proposal subject to financial contributions being secured for off-site open space: <ul style="list-style-type: none"> • £11,088 towards natural and semi natural space • £1,364 towards amenity space • £3,488 towards refurbishment of village play area
LCC Education Team	No objection and no contributions required
Environmental Health	No comments to offer and no objection raised
Environment Agency	No objection to proposal provided the drainage details approved under 21/00148/DIS are delivered
Greater Manchester Ecology Unit	No specific comments offered in relation to this application but no objection raised to the site wide drainage measures proposed and approved under 21/00148/DIS and thus there is no reason to expect an objection at this point.
County Highways	No objection to proposal subject to conditions (some conditions are not relevant however due the issues being adequately addressed via the site's existing permissions)
Conservation Officer	No objections
Waste and Recycling	No comments provided but it should be noted that a swept path analysis drawing has been submitted which demonstrates how a refuse vehicle can enter, turn and leave the site.
Fire safety Officer	No objection and standard advice issued
Ramblers Association	At the time of writing this report, no comments submitted.
PROW	At the time of writing this report, no comments submitted.
Lancashire Wildlife Trust	At the time of writing this report, no comments submitted.
Geo Lancashire	At the time of writing this report, no comments submitted.
Lancashire constabulary	At the time of writing this report, no comments submitted.
Parish Council	Detailed objection to the proposal which refers to lack of information, drainage concerns, ecological harm, unsafe vehicular access, lack of affordable housing and inaccurate plans
LCC Landscape Officer	No comments to offer on the basis previous submissions (namely 21/00148/DIS) have addressed tree related matters
Planning Policy	No objections raised but relevant policies highlighted

4.2 In total, 5 objections from members of the public have been submitted in response to this application and the issues raised are as follows:

- **Unsustainable** – village does not need more housing and the scheme will place extra demand on existing services. School is full as are local GP's
- **Loss of open space** – scheme removes open land from public access
- **Poor roads** – roads are already in poor condition and more houses will make it worse and risk of vehicle collision increases with a 'rat run' likely.
- **Poor planning** – original scheme should have proposed affordable units as opposed to it being done after already being refused

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- The principle of development
- Layout, design and landscape impacts
- Impacts on amenity
- Highways and parking
- Ecology and biodiversity
- Heritage considerations
- Surface water drainage
- Viability considerations

5.2 Principle of Development SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, Development Management DPD Policies DM1: New residential development and meeting housing needs, DM2: Housing standards, DM3: Delivery of Affordable Housing and National Planning Policy Framework Sections 2, 5, 11, 12

5.2.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan (hereafter 'Local Plan') for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents (SPLA DPD), a reviewed Development Management (DM) DPD, the Morecambe Area Action Plan DPD and the Arnside and Silverdale AONB DPD.

5.2.2 The National Planning Policy Framework (as updated in 2021) is a material consideration in the determination of planning applications. In this instance, the NPPF reiterates that there is a need to 'significantly boost' the supply of homes and chapter 5 sets out the priorities that LPAs should pursue in delivering an appropriate number of dwellings to meet their objectively assessed need. From a local perspective, the most recent five year housing land supply position document (November 2021) confirms that the LPA are presently not able to demonstrate a 5 year supply. As a consequence, there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity to deliver additional housing should be considered favourably and in the majority of cases, unless dictated otherwise by relevant policy requirements, proposal for residential development will need to be considered within the context of the NPPF's tilted balance. The general need for housing throughout the district is established and table 4.1 of the DM DPD sets out the mix of properties that the LPA expects proposals to deliver.

5.2.3 The 0.17 hectare application site lies outside any of the district's main urban areas and under policy EN3, the site is therefore judged to be located within the open countryside. However, although the provisions of policy EN3 are noted, policy DM1 provides generic support for new residential development and policy SP2 of the SPLA DPD sets out the settlement hierarchy for the Lancaster district. In this regard, Over Kellet is defined as being a sustainable rural settlement outside of the locality's AONBs. Such settlements are identified as being able to provide the focus of growth outside of the main urban areas subject to their wider impacts and planning implications. Furthermore, policy DM4 reiterates that the Council will support proposals for residential development outside of the main urban areas of the district where they reflect sustainable patterns

of development and accord with the Council's settlement hierarchy, as described in Policy SP2 of the Strategic Policies & Land Allocations DPD.

5.2.4 Although the above paragraph generally confirms that the broad principle of development here is acceptable, it is equally important to note that policy DM4 provides that proposals for housing in rural locations must:

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

Although a significant number of public objections have suggested that the site is simply not appropriate for residential development, the proposed development is located on the southern fringes of Over Kellet and whilst it is greenfield, it very much feels part of the settlement given the presence of properties on Church Bank to the west and Greenways to the north; it is therefore considered that the scheme is well-related to the built form. In addition, weight must be given to the fact that site in question already has an extant outline planning permission for 15 units. As discussed at the relevant junctures in this report, the requirements of DM4 are judged to be adequately met with respect to the proposed submission for 7 units.

5.2.5 As noted, the scheme only proposes 7 units and accordingly, given the wording of DM1, such a scheme would not necessarily be expected to closely align to the preferred mix as set out within table 4.1 of the DM DPD. In isolation, the scheme only delivers 4x4 bed properties and 3x3 bed properties. This is a relatively poor reflection with respect to the requirements of DM1 and table 4.1. However, as set out in the previous report for the (now approved) reserved matters application, when the 7 units proposed here are aggregated with the 15 units approved on the same site, the wider scheme is significantly more compliant with the requirements of the mix prescribed by table 4.1.

5.2.6 With respect to housing standards, policy DM2 requires all new dwellings (market and affordable) to meet the nationally described space standards and for at least 20% of all housing to meet the building regulations requirement M4(2) category. In this instance, of the 7 units proposed on site they are all capable of meeting or exceeding the internal gross internal floor space prescribed by the NDSS. In terms of meeting M4(2), the submitted plans demonstrate that at least 20% of the units have adequate internal space for potential adaptations and amendments should they be required at a later stage. The proposed elevations do however show that the front doors to the properties are served by very minor, shallow ramps and they are not therefore strictly 'level' with the driveway. However, given the minor nature of the gradient access into the units via a wheelchair is still likely to be possible. A condition could, however, be imposed that requires details of the gradients to be submitted to and approved in writing prior to being installed.

5.2.7 Insofar as affordable housing is concerned, given the advice contained within the NPPF and policy DM3 a proposal for 7 units in this location would not typically attract an obligation to deliver on site affordable units. However, as explained previously, this application for 7 units is contiguous with the adjacent approved development for 15 dwellings. Accordingly, as an aggregate, 40% affordable provision should be delivered by both schemes. The implication here being that of the 7 units proposed by this specific scheme, 3 units should be affordable.

5.2.8 Overall, given the site's existing planning permission, it's identification as a sustainable settlement, the provisions of DM1 and DM4 and the LPA's lack of a 5 year housing supply, the principle of residential development is something that can be supported; albeit subject to the following material planning considerations as discussed below.

5.3 Design and Landscape Impacts (NPPF: Chapter 12, Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy EC3 (Open Countryside) Development Management (DM) DPD policies DM4:

5.3.1 In conjunction with the NPPF, policy DM29 seeks to secure developments that contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness and in locations such as Over Kellet, a focus on an appropriate palate of materials will be important. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside.

5.3.2 In this instance, the scheme does not propose any single storey units, and all 7 units in question are to be two storeys in their scale. In terms of the dwelling designs, the units comprise the following:

- 4 x type A dwelling (4 bedrooms, detached)
- 3 x type G dwellings (3 bedrooms, terrace cottages)

House type A is a detached property which is externally finished with ivory K render and cast stone detailing whilst benefitting from a natural slate roof. The type G units on the other hand comprise a row of three terraced styled cottages with a cast stone feature porch, ivory K render and natural slate roof detail. The unit types benefit from their own style but relate well to each other and the additional development approved under the site's reserved matters application. In addition, whilst there are some small variations in terms of roof height across the site, this allows for a varied form of development, and it prevents the scheme from appearing as monotonous and uninspiring.

5.3.3 Given the site's prominence and the long views which are possible from Nether Kellet Road, Officers consider that the use of high-quality materials throughout this development are important. Initially, as members will note, the original plans (submitted under the refused 20/01073/FUL application) proposed concrete roof tiles and reconstituted stone on the front of certain plots. However, it is felt that the roofscape here, given its relationship with the open countryside is visually important. As such, based on the discussions previously held, the 7 units proposed here comprise natural slate roofs. The use of render in conjunction with natural slate and re-constituted stone is deemed acceptable given the prevalence of rendered properties on both Church Bank and Greenways. This allows for the development to retain its own character and identity whilst respecting the local characteristics and prevailing landscape.

5.3.4 The dwellings on plots 18-22 have a 900mm high stone wall to their frontage and this further serves to create a sense of local character and also introduces pleasant visual features that help to frame the development. The proposed street scene further demonstrates that the palette of materials and external finishes are able to complement each other and that they have been utilised in such a way so as to deliver a degree of consistency throughout the development.

5.3.5 With regards to site levels and the wider landscape impact, there is a gradual decline in height moving from the west to the east of the site. Based on the submitted existing topographical survey and the site level plans, a small degree of land levelling is proposed but this is minimal. The finished floor level of plots 15 - 17 will be 83m AOD whereas the finished flood levels for plot 21 will be 81.6m AOD. This decline in levels is broadly consistent with the site's existing topography. As a result, the proposed dwellings will sit approximately 2m higher than the existing properties on Church Bank. However, due to the significant separation distance of approximately 55m, this is considered to be acceptable. Naturally, this means that the properties will be in something of an elevated position compared to Nether Kellet Road but given the natural undulation of the land, whilst some glimpsed views through and over treetops may be possible, a significant adverse impact on the landscape is not judged to arise.

5.4 Amenity Impacts and Open Space (NPPF: Chapter 8 paragraph 91 (Promoting Healthy and Safe Communities), Chapter 12 paragraphs 124, 127 and 130 (Achieving Well-Designed Places), and paragraphs 178 – 183 (Ground Conditions and Pollution); Development Management (DM) DPD policies DM2 (Housing standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being)).

- 5.4.1 In conjunction with the National Planning Policy Framework, the development plan requires proposals to be of a high quality so that they contribute positively to the locality's sense of place and the community's wider health. In this regard, the Council expects proposals for new residential development to deliver a good standard of amenity whilst also being attractive and accessible to all. The delivery of on-site open space significantly enhances a scheme's design credentials whilst also providing an important community asset to those who live, work and play in the area.
- 5.4.2 Policy DM29 of the DM DPD (and the design and well-being chapters of the NPPF), requires new residential development to have no significant detrimental impacts to the amenity of existing and future residents by way of overlooking, visual amenity, privacy, outlook and pollution. In this instance, existing residential development is adjacent to the site on Greenways and Church Bank. However, given the separation distances and spacing demonstrated on the submitted layout plan, the scheme is judged to be sufficiently compliant with the development plan in terms of amenity impacts. The proposed properties do not overlook existing dwellings and they have been positioned so that there is at least 21m separation between the front elevations of the 7 units proposed here and the additional 15 units proposed under the reserved application. Undue and harmful overlooking is not therefore judged to arise. There is a minor degree of overlooking possible from the upper floor windows of plot 15 into the garden of plot 14 but due to the orientation of the dwellings and the set back relationship, this is to be expected to a degree. However, it is not considered to be significant, and an adequate degree of private amenity space is delivered.
- 5.4.3 With regards to private amenity space, the recent Covid-19 pandemic has highlighted how crucial access to private, outside space can be; and could continue to be in should the pandemic continue or worsen. Policy DM29 of the DM DPD provides that new houses should be provided with at least 50sqm of usable garden space that is not overlooked with a minimum depth of at least 10m. Small north facing gardens should also be avoided. The submitted layout plan indicates that the proposed gardens are suitably compliant with this requirement. It is noted that plot is only 60sqm given the curvature of the spine road as required by the LPA, this is deemed acceptable. Furthermore, given the outlook these southern facing gardens have across the open crags and undeveloped land offers a pleasant benefit for potential occupants.
- 5.4.4 In terms of public open space, a scheme for 7 units would not usually trigger the need for on-site delivery. However, because these 7 units are ultimately being delivered in conjunction with the 15 units already approved, the open space offering across the entirety of the site has been designed such that it meets on the on-site requirement for 22 dwellings. The current application itself proposes no open space but the amount that would be required by the 7 units is delivered (and secured) through the approved reserved matters application. As such, whilst this proposal does not deliver any open space directly, adequate provision is made when the entire site is considered. For reference, the submitted plans illustrate that in total the two schemes will deliver 748sqm of amenity space.
- 5.4.5 The original outline planning permission for the site was subject to a S106 agreement which also stipulated that a financial contribution towards off-site public open space would be calculated at the reserved matters stage. This, as Members will note, has been done and the committee report for 20/01072/REM sets out that the public realm team have identified three areas where funds could be directed:
- Pond improvements - £20,291.04
 - Amenity space on Church Bank - £2,496.12
 - Upgrade to local play equipment - £7,220.16

The suggestion to secure money towards the adjacent pond and the existing space at Church Bank are noted but when considered against the relevant tests of regulation 122 of the CIL Regulations, they are not judged to be necessary to make the development acceptable in planning terms and neither are they fairly relatable in scale and kind to the development. Accordingly, only the £7,220.12 worth of upgrades to the community play area is to be pursued through the reserved matters.

- 5.4.6 A similar position arises with respect to this current application. Requests for monies towards the adjacent pond and the existing space at Church Bank have been made but for the same reasoning as above, they are not to be pursued. The Public realm team, however, requested that this scheme for 7 units contributes £3,488 towards the upgrade of the village play area. Accordingly, the site's

existing S106 agreement will be updated so that the total of £7,220.16 + £3,488 (**£10,708.16**) is secured towards the upgrade of the village's existing play area.

5.5 Highway Matters and Access: NPPF Chapter 9 paragraphs 108-111 (Promoting Sustainable Transport) and Chapter 12 paragraph 127 (Achieving well-designed places); Strategic Policies and Land Allocations (SPLA) DPD policies T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision

5.5.1 From a National Planning Policy perspective, paragraph 110 of the 2021 NPPF advises that where appropriate, schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should, where possible and relevant, be taken up and encouraged although this will of course depend on the type of development and its location. This requirement is reflected in policy DM29 (Key Design Principles) which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, non-car dominated travel. As illustrated in the comments against this application and those submitted with respect to the previous outline application, the local community have highlighted concerns pertaining to road safety and the ability of the highway network to accommodate further development. The site has one point of access onto Kirkby Lonsdale Road and this is via Greenways; a through route to Nether Kellet Road is not possible and this prevents the access being utilised as a convenient cut through.

5.5.2 Although the concerns with respect to highway safety are noted, it must be remembered that the outline permission granted consent for the access onto Greenways and at the time of determining this application, the LPA sought to secure a number of footpath connections. The outline permission requires details of the footpath linkages and improvements to be submitted to the LPA for approval. These details have been provided through a discharge of condition application and they have been approved. Nonetheless, due to this application sharing the same access as the reserved matters, the submitted layout plan indicates that the access road will be 5.5m wide with a pedestrian crossing installed at the northeast corner. In addition, a 2.0m wide footpath is provided adjacent to the main spine road and this enables pedestrian access through the site, to the public open space and it also connects footpaths 10, 12 and 13 (subject to the details submitted under the discharge of condition application referred to above). Given the safe access which is achievable through the site and the narrowing of the entrance as a speed management measure, the LPA are satisfied that the scheme complies with policies DM29, DM60 and the advice contained within the NPPF.

5.5.3 The proposed dwellings all benefit from allocated off road parking with plots 15-17 having two spaces each and plots 18-22 benefitting from 3 spaces each. This allocation is compliant with policy DM29 and it should also be noted that each unit is to be equipped with a 7kw electrical charge point and secure cycle storage. The cycle store details for the associated 15 units have been approved and the current proposal would rely on the same solution and this allows a simple compliance condition to be imposed.

5.5.4 Member's attention is also drawn to the comments offered by the Highway Authority. In their formal response dated 3rd December 2021, the Highway Authority have raised no objection to the proposal but they have suggested that revised plans showing what is proposed should be submitted rather than previously approved plans. It appears that the Highway Authority have potentially misunderstood the link between the two applications because the access road details and specification has been agreed under 21/00148/DIS. Whilst this relates to the outline permission, due to the access road being shared, no additional details are required. The current proposal will be subject to conditions that require it to be carried out in accordance with the detail previously agreed pursuant to 21/00148/DIS. In addition, the Highway Authority have requested that a number of the conditions imposed on the outline permission are re-imposed on this application for 7 units. Whilst the rationale for this request is, to a degree, understood, the LPA must consider the advice within the NPPF (para 56) when imposing conditions. In this case, given the off-site highway works and improvements already secured pursuant to the outline permission, and given that an application to discharge these requirements has been approved, Officers do not feel that the same conditions need to be imposed or re-assessed on this scheme for 7 units. Instead, the development in question will be subject to compliance conditions which may restrict occupation until the agreed works have been agreed.

5.5.5 Furthermore, a variation to the existing S106 agreement is required in any event to ensure that this scheme and the development for 15 units are undertaken and delivered together. Therefore, the risk that the 7 units could be built and occupied before the relevant off-site highway improvement works have taken place is minimal in any event. Nonetheless, it is a risk that the LPA must be insulated from which is why amending the existing S106 to require the complete scheme of 15+7 units to be delivered together is suggested.

5.5.6 With respect to air quality, the site is not located within any of the District’s Air Quality Management Areas and owing to the modest nature of the scheme, a significant amount of traffic is not likely to be generated by the development. It is noted that the Council’s Air Quality Officer has not raised an objection. However, policy DM31 of the Development Management DPD requires all development to demonstrate how they will seek to minimise and reduce air polluting emissions. Given the site’s location, albeit within a sustainable settlement, there will be a degree of reliance upon private vehicles. Accordingly, the proposed electric charge points and cycle storage facilities are welcomed by Officers.

5.6 Biodiversity (NPPF: Chapter 15 (Habitats and biodiversity references); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Environment); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland)

5.6.1 As required by the National Planning Policy Framework at paragraphs 8c, 170 and 175 the Local Planning Authority has a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity interest are protected when determining planning applications. The NPPF indicates that when determining planning applications, Local Planning Authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 175). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve, and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment. At a local level, this requirement is reflected through policies SP8 and DM44.

5.6.2 Typically, where greenfield sites are to be developed, given the above, the LPA would expect applications to be supported by suitably detailed ecological appraisals. Indeed, the outline permission that precedes this proposal concluded that the site had a degree of nature conservation value. However, this value flora value predominately related to the southwestern outcrop of Limestone and this is why the outline permission includes a condition that requires its retention or protection; this is addressed via the reserved matters application. The 0.17Ha site in question here has limited ecological value although its proximity to the crags is noted.

5.6.3 The principal concern with respect to ecology on this site is the impact upon amphibians; a point raised by many residents and the Lancashire Wildlife Trust during the determination of the previous applications. However, on this point Members are reminded that the reserved matters application intentionally included an ecological buffer zone (with other conditional requirements) so that the marginal habitat around the Over Kellet Pond retains ecological value in its ability to support the pond. The application for 7 units proposed by this application does not undermine this provision or requirement. Furthermore, the proposed fencing to the rear of the properties and the amphibian friendly gullies are measures that offer a positive environment for amphibians. In addition, the application is supported by a updated Construction Environmental Management Plan and this sets out a number of additional measures that would serve to mitigate the potential harmful impacts upon the locality’s amphibian population:

- Temporary Amphibian Fencing installed during construction phase;
- Heras fencing installed adjacent to the ecological buffer zone

These measures (and the remainder of the CEMP document) have been reviewed by the Greater Manchester Ecology Unit and they have confirmed that the measures are acceptable with respect to the protection offered. It should also be noted that a capture and exclusion exercise was undertaken on the site between 30th July 2021 and 8th August 2021. Written confirmation from the applicant’s Ecologist clarifies that during this period 1 male Toad was caught and released back outside of the site boundary.

- 5.6.4 However, although the capture and exclusion exercise revealed no evidence of newts, due to the risk that great crested newts *may* still be harmed, under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a Licence will be required from Natural England. In this instance, rather than seek the traditional mitigation Licence, the applicant has opted to enter into the new District Level Licence incentive offered by Natural England.
- 5.6.5 Under the traditional approach to licensing disturbance of great crested newts, developers who want to build on land where they are found must trap and relocate the species before starting work, simply keeping them out rather than helping to conserve their wider populations. Research by Natural England has found that the amount of money spent on survey, trapping and exclusion with plastic fencing can outstrip that spent on habitat creation and management by a ratio of almost seven to one. Crucially, a lot of resource is used without there really being significant benefits for the newts.
- 5.6.6 With respect to this application, Natural England have confirmed in writing that a District Level Licence was issued in relation to the application site on 19th July 2021 with reference 2021-00113-EPS-DLL. A copy of the signed DLL has also been provided to the LPA. The volume and veracity of the objections submitted with respect to the potential impact upon the GCN population are of course duly noted but significant weight must be attached to the fact that Natural England have granted a Licence in this instance.
- 5.6.7 Ultimately, although Natural England have granted the DLL, the local planning authority must still have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and must consider whether or not:
- i) That the development is ‘in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
 - ii) That there is ‘no satisfactory alternative’; and,
 - iii) That derogation is ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’
- Having engaged with Natural England, it is accepted that their granting of the Licence demonstrates compliance with test iii above. However, tests ‘i’ and ‘ii’ must still be considered by the Local Planning Authority.
- 5.6.8 With respect to the first test, although supporting information has not been provided by the applicant, the 2018 Strategic Market Housing Assessment clarifies that the district as a whole has a significant need for housing and at present, the LPA cannot demonstrate a 5 year supply of housing. Coupled with the Government’s requirement to ‘boost’ the supply of housing, given that the site already benefits from outline planning permission with a very low risk posed to Newts, this test is considered to be passed.
- 5.6.9 In terms of test two and the lack of a satisfactory alternative, it must be noted that the site already has permission for 15 units and this includes a purpose designed ecological buffer zone with a range of amphibian friendly features built into the development’s obligations. It is therefore unreasonable to expect an alternative site to be sourced when the proposed layout and arrangement proposed here is judged to be suitably compliant with the development plan. Furthermore, there is therefore nothing before Officers to suggest that any alternative sites in the village would necessarily have a less effect on protected species (whether that be bats or great crested newts) and, the Licence has been granted by Natural England in any event; thereby rendering a search for an alternative site somewhat superfluous.
- 5.6.10 Finally, in terms of biodiversity matters, policy DM45 seeks to protect trees and vegetation that offer a positive contribution to the district’s settlements, open spaces and built form. The application site is bordered by trees to the north east and the south west as demonstrated in the submitted tree protection plan. Although some basic tree maintenance is required (having been discussed with LPA’s Tree Officer), no trees are to be removed or lost as a result of the development and this, quite naturally, is welcomed by Officers. Furthermore, a revised tree protection scheme has been submitted and this demonstrates that protective fencing in accordance with BS5837-2012 will be installed to protect the existing specimens that frame the site. This fencing would be installed prior

to development commencing and it is deemed acceptable with respect to the requirements of policy DM45.

5.7 Heritage Impacts: NPPF Chapter 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations (SPLA) DPD policy SP7 Maintaining Lancaster's Unique Heritage; Development Management (DM) DPD policies DM29 (Key Design Principles), DM37 (Development affecting listed buildings) and DM39 (The Setting of Designated Heritage Assets).

5.7.1 The site is not within a Conservation Area (this is located approximately 280m to the west), however there is St Cuthbert's Parish Church (Grade II* listed building) located 180m to the south west of the application site and Kirk House (Grade II) is located 140m to the south of the application site. The principal setting of the Listed buildings is not compromised and so there are no justifiable objection. The setting of the site does however endorse the need for high quality design, appropriate landscaping and suitable boundary treatment. Given this it is considered that the scheme complies with the relevant development plan policies insofar as heritage impacts are concerned, adequate regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990.

5.8 Flood Risk and Drainage Matters (NPPF: Chapter 14 (Planning for Climate Change), Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015)

5.8.1 The NPPF advises that Local Planning Authorities should avoid permitting development in areas at the greatest risk of flooding and instead, it should be directed towards the areas with a lower flood risk. This national requirement is reflected in policy DM33. The application site in question is wholly within flood zone 1 and is not therefore subject to the sequential or exception test as set out within the NPPF and there is no evidence within the submitted application which would suggest that the scheme is likely to exacerbate flooding in other locations

5.8.2 With respect to surface water runoff, policy DM34 advises that all new development should manage surface water run off in a sustainable way and that the design of all proposed surface water drainage systems should have regard to the surface water drainage hierarchy as set out below with 1 being the preference and 4 being the least preferred method:

1. Into the ground (infiltration at source);
2. Attenuated discharge to a surface water body, watercourse or the sea;
3. Attenuated discharge to surface water sewer, highway drain or another drainage system;
4. Attenuated discharge to a combined sewer (as a last resort only in exceptional circumstances where it can be demonstrated that no other options higher up the hierarchy are feasible).

5.8.3 Accordingly, following initial commentary from the Environment Agency and the Lead Local Flood Authority, the wider application is supported by the following documentation with respect to surface water drainage:

- Infiltration testing results (5 x trial pits)
- Ground water monitoring information (April and March 2021)
- Composition of borehole 1
- Drainage layout scheme
- Drainage cross sections
- Infiltration basin details
- Flood risk assessment and drainage report
- Drainage maintenance and operation scheme

- 5.8.4 The submitted drainage report confirms that following ground condition testing, soakaway drainage represents a viable option for the development site. As demonstrated through the testing results, infiltration results were in the region of 1×10^{-4} m/s to 2.5×10^{-3} m/s across the completed trial pits with sand and gravel common at soakaway depths.
- 5.8.5 Accordingly, based on the soakaway testing, it is proposed that all roof areas will drain into private geo-cellular crate systems, located within private rear gardens. Advanced silt traps will be located upstream of each soakaway, which will provide surface water treatment and access for maintenance. Silt traps isolate silt and other particles by encouraging settlement into removal silt buckets, preventing ingress into the tank. With regards to the driveways, they will be served by Type A (full infiltration) permeable block paving. This would comprise a free draining coarse graded aggregate sub-base of min. 350mm thickness to provide sufficient volumetric storage for the Q100+40% CC storm event. A 'Type A' system will also provide enhanced treatment (i.e., removal of silt and pollutants), prior to discharge into the ground.
- 5.8.6 The access road will be served by an infiltration basin located within the north-east of the site. The basin is sized to contain the runoff from the access road for a 1 in 100-year + 40% climate change event. Highway runoff will be collected and conveyed in the highways drain within the carriageway, discharging into the basin via a silt trap. The basin will be finished with a minimum 100 mm sand, overlaying a minimum 300 mm topsoil and seed following construction. This will provide additional treatment of runoff, before discharge into groundwater.
- 5.8.7 In designing the soakaway / basin volume and sizes, storage calculations have been undertaken for the Q30 and Q100+40% CC storm event; the full results of these calculations are provided in Appendix C of the submitted and approved drainage strategy. Provided the designed drainage system is installed in accordance with these details, the post development run off rate of QBAR 3.4l/s will equate to the existing greenfield (i.e. pre development) run off rate.
- 5.8.8 The Environment Agency have advised that the proposed drainage strategy is acceptable (within the parameters of their remit) and although the additional information provided is in accordance with the most recent request of the LLFA, no further comments have been received at the time of writing this report. Given the previously submitted detail and detailed design (which demonstrates that the system is capable of dealing with a Q100+40% event), the site's surface water drainage scheme has been approved under 21/00148/DIS already. However, the layout for the 7 plots in question has changed slightly and this means the drainage scheme approved 21/00148/DIS does not relate to the current proposal in the way that it technically should. Accordingly, a revised drainage scheme has been submitted which reflects the amended layout of the 7 dwellings under consideration and demonstrates how their surface water drainage will be managed.
- 5.8.9 In terms of foul water drainage, discharge from the development shall discharge to the existing 150 mm diameter combined sewer in the footpath linking the proposed development to Church Bank and as confirmed in their comments dated 10th June 2021 (no further comments submitted) United Utilities have raised no objection to this approach.

5.9 Affordable housing provision clarification

- 5.9.1 As Members of the planning committee will note, the previous scheme for 7 units here was refused due to the lack of affordable units across the site. For completeness, given the developer remain the same, the entire site (22 units) should deliver 9 affordable units. Following the previous refusal and negotiations between Officers and the applicant, the revised affordable housing offer is as follows:
- 20/01072/REM: 15 dwelling scheme delivering 6 affordable units (40%)
 - 21/01323/FUL: 7 dwellings and 3 affordable units (40%)
 - **Total: 22 units with 9 affordable units equates to 41%**
- 5.9.2 Accordingly, the sole and single reason for refusing the former application (20/01073/FUL) has been addressed on the basis that the current scheme is able to deliver the required quantum of affordable housing required by policy DM3. The LPA's Strategic Housing Officer has further confirmed that the style, design and size of the affordable units (plots 15-17) is appropriate for the locality and for a

Registered Provider. Whilst the delivery of the 3 affordable units here is a policy requirement, in combination with the 6 units provided through 20/01072/REM, this represents a material benefit of the scheme and is welcomed by Officers.

6.0 Conclusion and planning balance

- 6.1 This report has set out that the principle of residential development in this location is acceptable and can be supported. The proposed dwellings offer suitably sized units that the district would benefit from. If built in conjunction with the associated reserved matters application that sits parallel to this scheme, the application would deliver a well-designed scheme that incorporates public open space and context appropriate dwellings. The units benefit from private amenity space with off road parking, and they are, more the most part, spaciouly set out to reflect the requirements of the development plan. Given the LPA's lack of a five-year housing supply the application represents an opportunity to boost the district's supply, albeit modestly. In addition, the scheme has been amended since the initial submission so that it now meets the affordable housing requirements prescribed by policy DM3 and given the LPA's annual shortfall of approximately 370 affordable homes per year, this is a matter which weighs in favour of the development.
- 6.2 Overall, within the context of the NPPF's tilted balance, whilst the concerns raised by residents are noted, the scheme offers a range of benefits with limited harm identified. Officers are therefore of the view that in the overall balance, the benefits derived from the scheme are such that the application should be approved by Members of the Planning Committee.

Formal Recommendation

That Planning Permission **BE GRANTED** subject to

A variation to the existing legal agreement to secure the following:

- Linking of 21/01323/FUL to 16/01572/OUT
- Delivery of affordable housing in accordance with submitted scheme (total of 9 units, 4 x social rent and 5 x shared ownership)
- Payment of £10,708.16 towards upgrade of village play area
- Management of open space across all development land
- Requirement to deliver *both* planning permissions 21/01323/FUL and 16/01572/OUT (inc REM)

And the following planning conditions to regulate the development:

Condition no.	Description	Type
1	Time limit for development	Standard
2	Development to be in accordance with approved plans	Standard
3	Development to be carried out in accordance with the approved highway access arrangements	Pre-occupation
4	Installation of Newt Gully pots	Pre-occupation
5	Delivery of approved off site highway and ped links	Pre-occupation
6	Delivery of secure cycle storage sheds	Pre-occupation
7	Delivery of EV charge points	Pre-occupation
8	Installation of boundary treatments	Pre-occupation
9	Materials as per submitted details	Control
10	Compliance with surface water and foul drainage details	Control
11	Compliance with energy statement	Control
12	Compliance with CEMP document	Control
13	Compliance with tree protection details	Control
14	Unforeseen contamination	Control
15	Removal of Permitted Development (Parts 1 and 2)	Control

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

Agenda Item	A9
Application Number	20/00699/FUL
Proposal	Relevant demolition (retrospective) of existing workshop and the erection of a 3 and 4 storey building to create student accommodation comprising sixteen 1-bed studios and one 2-bed cluster flat (C3) and a bike/bin store room
Application site	Land Adjacent To 108 St Leonards Gate, Lancaster Lancashire
Applicant	Mr Mister
Agent	Mr Ion
Case Officer	Mr Adam Ford
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

1.1 This application relates to a small gap site within the otherwise continuous built-up frontage on the western side of St Leonard’s Gate, close to Lancaster city centre. The majority of the site is now a surfaced private car park following the demolition of derelict two storey buildings in the late 1960s. Part of the site is covered with a road surface providing vehicular access to Pitt Street, following closure of the underpass beneath no. 98. St Leonards Gate, which provides access to a service area and private car parking between the buildings fronting St Leonard Gate and North Road. To the rear of the site and fronting onto Pitt Street was a single storey hipped and slate roofed workshop with painted rendered walls, but this has been demolished.

1.2 The site is within the City Centre Conservation Area and numbers 108/110 and 112/114 are Grade II Listed buildings. This part of the western side of St Leonard’s Gate is characterized by substantial 3 storey Georgian properties with the larger scale St Leonard’s House lying further to the north. Adjoining the site to the east is a 3-storey former Victorian coach works and warehouse, no. 98, which is now converted to student accommodation. The Lancaster Air Quality Management Area (AQMA) lies approx. 16 metres to the northwest and 30 metres to the southwest. A small strip of the site’s north western edge lies within flood zone 2 also.

2.0 Proposal

2.1 In conjunction with application 20/00700/LB, this application seeks planning permission for the retrospective demolition of the site’s former workshop building and the subsequent erection of a 3 and 4 storey building to be used for student accommodation. The main frontage which interacts with St Leonards Gate is 4 storey in design whilst the rear portion of the building which fronts on Pitt Street is 3 storey in design. The development comprises sixteen 1 bed student flats and one 2 bed cluster flat. In terms of the student accommodation proposed, the scheme will deliver the following:

- Ground floor: 5 x 1 bed flats and bike /bin stores
- First floor: 6x 1 bed flats
- Second floor: 5 x 1 bed flats
- Third floor: 1 x 2 bed cluster flat

In total, the scheme will therefore deliver 17 student flats. Each 1 bed flat is equipped with a bed, a bathroom, a sink, a cooker/hob and internal fittings such as desks and cupboards. The 2-bed flat on the third floor is equipped with the same amenities but the bedrooms share a bathroom, the kitchen and the breakout area.

- 2.2 The scheme will occupy the majority of the site currently used as a car park, maintaining the gap from no. 98 so that access is retained to Pitt Street, and will include the demolition of the buttresses to the side of 108 St Leonards Gate. Access to the building would be from the side elevation onto Pitt Street although in the interest of retaining local character, a mock street entrance onto St Leonards Gate is also proposed. Bin and cycle storage is to be delivered on the ground floor with access from Pitt Street.
- 2.3 Negotiations with respect to the external finish and the precise materials to be used in the building's external appearance remain ongoing with the applicant and they are likely to be controlled via a planning condition. However, the submitted plans indicate that the building will be finished in natural limestone with standing seam metal used in the construction of the roof and the building's dormers. The use of stone is acceptable in principle subject to the precise nature of the finish and in particular, the coursing, finish and arrangement of the Limestone. The use of a metal roof here however is not acceptable and the requirement for a slate (or zinc / lead) roof is therefore stipulated in a specific planning condition.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00700/LB	Listed building application for removal of the buttresses and stone boundary wall from 108 St Leonards Gate and the erection of a 3 and 4 storey building	Pending
19/01216/LB	Listed building application for removal of the buttresses and stone boundary wall from 108 St Leonards Gate and the erection of a 3 and 4 storey building and excavation to form basement.	Refused
19/01215/FUL	Relevant demolition of existing workshop and the erection of a 3 and 4 storey building to create student accommodation comprising eighteen 1-bed studios and one 2-bed cluster flat (C3) and excavation to form basement to accommodate laundry room, plant room and bike store	Refused
18/01247/PRETWO	Erection of new build student accommodation comprising 33 student rooms distributed in 5 flats with adjacent bin store and cycle parking	Closed
13/01220/FUL	Erection of new build student accommodation comprising 4 cluster flats (C4) and 1 2-bed cluster flat (C3) with associated bin store and re-instatement of stone stack to adjoining property no 108 St Leonard's Gate	Refused
13/01221/LB	Listed building application to construct new student accommodation onto the gable wall of no 108 St Leonard's Gate including the reinstatement of a stone stack to no 108	Refused
13/00787/FUL	Erection of new build student accommodation - 21 rooms	Withdrawn

	with associated bin store and re-instatement of stone stack to adjoining property no 108 St Leonard's Gate	
13/00788/LB	Listed building consent to construct new student accommodation onto the gable wall of no 108 St Leonard's Gate including the reinstatement of a stone stack to no 108	Withdrawn

4.0 Consultation Responses

4.1 With respect to this application, the following responses have been received from statutory and other consultees:

Consultee	Response
Fire Safety Officer	No objection to proposal offered and standard advice issued
County Highways	No objection to proposal subject to imposition of planning conditions
County Archaeology	No objection to proposal subject to imposition of planning conditions
Lead Flood Authority	Objection on the basis that insufficient information to demonstrate why other 'more sustainable' drainage measures are not proposed
Georgian Group	Objection on the basis that design is inappropriate
Lancaster Civic Society	Objection to the proposal on the basis of inappropriate design and harm to the historic environment
NHS Morecambe Bay CCG	No objection to proposal and request for £2,871 towards the extension and reconfiguration of local practices
Lancaster University Students Union	Objection on the basis that low frequency noise emitted by the Sugar House Nightclub has not been adequately considered
Environmental Health Officer	No objection raised with conclusion that submission is satisfactory with respect to noise impacts (comments dated 9 th June 2021)
Lancaster University	No objection raised but additional clarification sought
Conservation Officer	Initially submitted an objection but following submission of amended plans, despite concerns being raised with respect to stone pattern, corner detail, vertical recesses and the lack of detail on the Pitt Street elevation, no objection provided.
United Utilities	No objection subject to conditions
Ancient Monuments Society	Objection on the basis of inappropriate design
Contamination Officer	No objection subject to conditions

4.2 No comments from members of the public have been provided in response to this application.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Legal context
- Principle of development and loss of employment use
- Layout, design and heritage
- Amenity and standard of accommodation
- Noise considerations
- Highways and parking
- Flood risk and drainage
- Contaminated land and air quality

- Other material considerations

- Waste storage
- Planning obligations
- Employment Skill Plan
- Invasive species: Japanese Knotweed
- Habitat Regulations

5.2 **Legal Context**

5.2.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan (hereafter 'Local Plan') for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents (SPLA DPD), a reviewed Development Management (DM) DPD, the Morecambe Area Action Plan DPD and the Arnside and Silverdale AONB DPD.

5.2.2 In addition to the above, when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

5.2.3 This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings. In addition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions

5.2.1 The above provisions have been factored into the determination of this planning application and the requirements have been duly considered by Officers in making this recommendation to Members.

5.3 **Principle of development and loss of employment use SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy. Development Management DPD Policies DM1: New Residential Development and Meeting Housing Needs, DM7: Purpose Built Accommodation for Students, DM13 Residential Conversions and HMOs, DM14: Proposals Involving Employment and Premises. National Planning Policy Framework sections 2, 6, 8, 9, 11, 12 and 16.**

5.3.1 In establishing the principle of development here, a number of interrelated factors must be considered, and these are discussed below.

5.3.2 With respect to the broad principle of *purpose-built student accommodation*, policy DM7 of the DM DPD sets out that such proposals will generally be considered favourably subject to meeting not only relevant policies but also the specific 8 criteria stipulated by policy DM7 itself. In this regard, DM13 is also relevant in that it aims to restrict the provision of HMO properties and the locality is subject to an *Article 4 Direction* which prohibits HMO conversions without planning permission. The two-bed cluster flat is technically an HMO on the basis the occupants will share amenities and living space. However, given the purpose-built nature of the scheme and lack of adverse impacts arising (under DM13), this does not pose a significant constraint to the proposal. The intricate and design related matters set out within policy DM7 are considered at the relevant junctures within this report although it should be noted that overarching principle is essentially supported by policy DM7.

5.3.4 From a locational and sustainability perspective, the settlement hierarchy prescribed by policy SP2 of the SPLA DPD (and the NPPF), aim to direct developments to sustainable settlements and locations. This helps to ensure that development does not take place in isolated locations, with poor connections and ultimately increases the need to rely upon private motor vehicles. It also ensures that services remain in close proximity so that homes, shops and essential services are accessible.

The application site is located adjacent to St Leonard's Gate within the settlement of Lancaster and, with reference to the settlement hierarchy, it is therefore deemed to be within a sustainable location,

albeit outside of the formally designated 'city centre'. With respect to students accessing their respective institutions, the scheme performs as follows:

	Walking?	Cycling?	Public transport?
Lancaster University	Unlikely although a safe route does exist and would take approximately 1 hour	Yes – 3.5 miles	Yes – access to frequent buses
University of Cumbria	Yes , 1.0 miles	Yes - 1.0 mile	Yes – access to frequent buses

Therefore, with respect to policy SP2 and the accessible nature of the two main student establishments (noting that most students will not walk from this location to the Bailrigg Campus), the principle of development is acceptable. However, there have been a number of large-scale student schemes approved in the city centre and some concerns have been raised in the consultation responses, in particular from Lancaster University, about the *need* for this and the adaptability of the accommodation. The Council engaged with Lancaster University during the preparation of the Local Plan, but they did not provide evidence with regard to projected student numbers or the need for accommodation on campus or in the city centre. The site is located within a sustainable location for this type of accommodation and there is no evidence available to suggest that there is no longer a need for the accommodation which would warrant a refusal on this basis.

- 5.3.5 Notwithstanding this, the proposed development will result in the loss of an established workshop building which, although not used particularly recently for employment purposes, has a history of supporting such uses and could, with some refurbishment, may have been capable of being brought back into use. In this regard, policy DM14 seeks the retention of land and buildings that are in an active employment use, have a previous recent history of employment use, or still have an economic value worthy of retention. Proposals that involve the use of employment land or premises for alternative uses, such as residential, will only be permitted where one of these stipulated criteria are met.
- 5.3.6 Criteria VII. of DM14 permits the loss of such uses in instances where a particular location has such exceptionally severe site restrictions, due to very poor access or servicing arrangements, or surrounding land uses which make a continuing or further employment use inappropriate. The subject site is now wholly surrounded by residential / student properties, the occupants of which would be particularly sensitive and susceptible to noise and disturbance arising from ongoing industrial or business styled operations. For this reason, the site is considered to be materially constrained and is such that its continuing use for on-going employment purposes would be harmful to the amenity of surrounding occupants. As such, the principle of the 'loss' of this minor workshop (insofar as policy DM14 relates) is not something that the LPA would necessarily look to resist on this occasion.
- 5.3.7 Accordingly, the broad principle of development here is judged to be acceptable but remains subject to the material planning considerations set out below.
- 5.4 **Layout, design and heritage.** Strategic Policies and Land Allocations DPD SP7 protecting Lancaster's unique heritage, Development Management DPD DM29: Key design principles, DM38 Conservation Areas, Development affecting Listed Buildings. DM39: The Setting of Designated Heritage Assets. National Planning Policy Framework sections 12 and 16.
- 5.4.1 In conjunction with the NPPF, policy DM29 seeks to secure developments which are capable of contributing positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness and in locations such as the historic core of Lancaster, a focus on an appropriate palate of materials will be important. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside. In this instance, given the site's location within the Conservation Area and the proximity of adjacent listed buildings, the importance of appropriate design is heightened further.
- 5.4.2 Critically, the impact of the proposal on the Conservation Area must be assessed according to the statutory duties of the Local Planning Authority under section 72 of the Planning (Listed Buildings

and Conservation Areas) Act 1990. In addition, Development Management DPD policies DM38 and DM39 are also relevant to this proposal. NPPF Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 5.4.3 St Leonards Gate is located in the Lancaster Conservation Area, within the Canal Corridor North Character Area. The street is identified as having a strong frontage along the north side of the road and demonstrates high quality 18th century architecture. Policy DM31 of the DM DPD sets out that only development which preserves or enhances the character and appearance of the area will be permitted. Within this part of the Conservation Area, this includes positively complimenting the high-quality architectural design to create a strong frontage and the use high quality materials. The site is in close proximity to a number of grade II listed buildings, including the terrace of Georgian properties adjoining the site and those opposite. Due to the site's close proximity to these listed buildings and the proposed attachment to no. 108, Officers have spent a considerable time engaging with the applicant to ensure that a high-quality scheme is both designed and delivered.
- 5.4.4 The site has been subject to a number of recent planning applications and most recently, a similar scheme (19/01215/FUL) was refused owing to the proposal's poor design and the resultant harm inflicted upon the Conservation Area and the adjacent Listed Buildings. The refusal notice also referenced the poor amenity levels that would be achieved by the development. This submission therefore represents an attempt to address the previous reasons for refusal and the building's design has been significantly amended as Members will be able to see by comparing the current plans to those refused under 19/01215/FUL.
- 5.4.5 Now that the workshop building has been demolished (without consent), the site comprises little more than a surfaced car park. The principle of developing the site has long been accepted and would remove an unattractive gap site within the street's otherwise pleasant frontage. The previous building was demolished in the late 1960s, with a fragment of the west gable remaining on the site, which forms part of the gable wall of the listed building. The site is used for parking but is a negative feature within the conservation area. While the outbuilding to the rear was recognized as a positive feature within the conservation area, it was nevertheless a very modest building; the retrospective loss of which could be justified by the enhancement of re-developing the site, given that the wider scheme will deliver a high-quality building which removes a visually abrasive and jarring gap in the street's attractive frontage.
- 5.4.6 As with the previous scheme, the approach to the design has been to reflect the overarching form and character of the Georgian terrace and it is clear that the current design aims to address a number of the major concerns outlined by the Inspector who refused application 13/01220/FUL (appeal ref 14/00014/REF). The scheme is now smaller, less imposing, uses smaller dormers and relies on a more appropriate external material pallet. The building would be sited on the same alignment, positioned forwards of the listed building, following the demolition of the fragment of the earlier building, and have a similarly formal composition albeit expressed in more contemporary way. Initially Officers raised concerns that the 'stepping' forwards of the scheme may look awkward and poorly considered. However, by using this approach, it allows the adjacent listed building to retain its significance by ensuring the two buildings retain their own identity. The new building therefore operates as something of a 'bookend' and this reinforces the significance and importance of the existing listed building; it prevents the new building 'bleeding' into the listed Georgian terrace and this is an important point. The proposed windows are ordered between stone cladding panels of stone in between and the architectural approach is continued to the rear offshoot, and this creates a consistent, legible design approach to the scheme.
- 5.4.7 Within the previous appeal decision relating to 13/01220/FUL (appeal ref 14/00014/REF) the Inspector also set out that the gradual rise of the buildings up the street's natural slope is a key, subtle feature of the north side of the street and a crucial point of character. Previously the fenestration arrangement related poorly to this urban feature and there was an awkward feel to the scheme. This, however, has been addressed within the current scheme so that the windowsills are positioned level with the adjacent listed building; this degree of consistency is apparent on both the St Leonard's Gate and Pitt Street elevations. In addition, a pastiche approach has been avoided through the use of contemporary dormer styled windows and surrounds. Although the precise nature and external finish of these are to be controlled via a condition, the drawings illustrate that

proportions and rhythm of the streetscape are retained whilst respecting the significance of the adjacent Listed Buildings.

- 5.4.8 The proposed building has been designed to assimilate with the existing buildings which front onto St Leonard's Gate and in doing so, it removes the current unsightly gap which undermines the Conservation Area's integrity. The ridge height broadly aligns with the existing Georgian terrace whilst sitting at a lower level than the ridge of the development to the northeast. This ensures that the development remains in keeping with the wider sense of place and does not impose itself onto the street in a way which would be harmful or detrimental to the Conservation Area's significance. A similar design approach has been taken with respect to the rear outrigger. It has been significantly reduced in bulk and mass when compared to the refused scheme and the smaller scale ensures that the significance of the adjacent Heritage Assets is not unduly eroded. Those using the Pitt Street Walkway will now be able to do so without feeling entirely dominated by the building's scale or massing.
- 5.4.9 This proposal is a significant improvement on the previously refused scheme. Architecturally the composition is simpler and more harmonious, with an improved balance of vertical and horizontal elements. The design is less 'fussy' and it assimilates with the prevailing form of the Conservation Area without appearing visually jarring or incongruous. The reduction in mass of the rear off-shot and the incorporation of a pitched roof are substantial improvements which better integrate the design into its surroundings whilst the use of modestly scaled dormer windows helps to introduce a degree of visual interest without detracting from the wider setting of the locality. The deletion of the basement level, which previously raised serious structural concerns about the impact on the neighbouring listed buildings, is also most welcome.
- 5.4.10 However, despite these positive elements, there are parts of the scheme which are able to attract less Officer support. In particular, whilst the applicant's attempt to integrate the scheme with the locality's massing and style is noted, the *overall* architectural approach is relatively bland and uninspiring. There is, for an example an opportunity for the corner and the elevation which faces Pitt Street to be designed in a way which breaks free from the Georgian context on St Leonard's Gate. A blend of architectural styles could be used to create a real feature building but instead the scheme simply carries on the same design and in doing so, it fails to fully deliver 'beautiful' development in the way that the revised NPPF intends. This is a point which has been noted by the LPA's Conservation Officer and it must, as a result, be noted as something which weighs against the scheme.
- 5.4.11 As the development turns the corner into Pitt Street, the vertical stone recesses are noticeable and so too is the lack of additional fenestration or articulation detail. This disappointing lack of detail has been raised by the LPA's Conservation Officer and it has been suggested that windows could be installed instead of the recesses. However, whilst this would usually be advocated by Officers, due to the proximity of the adjacent student accommodation, having windows installed onto said elevation would result in rooms with very limited privacy due to the separation distance being a little over 5m only. As such, although the points raised by the Conservation Officer in this regard are noted, windows on this particular section of the Pitt Street elevation would not be suitable.
- 5.4.12 Based on the submitted plans, the stone banding, eaves and corners have the *potential* to appear too heavy in appearance; lacking the lightness, elegance and simplicity of the neighbouring Georgian detailing. However, such matters can be controlled via a suitably worded planning condition. Equally, as noted by the Conservation Officer, although the St Leonard's Gate elevation is defined and articulated, the building's main entrance is via Pitt Street. In response to the comments made by the Conservation Officer, the Pitt Street entrance has been revised to include greater stonework detailing so that it appears less visually uninspiring. The revised architectural detailing helps to signal that this is the main entrance for occupants and although the LPA would have preferred more of a feature, this is not something which would necessarily warrant a refusal. The lack of a main entrance on this principal elevation is also at odds with the neighbouring properties within the terrace although this is not a significant weight against the scheme by any means either.
- 5.4.13 With respect to the proposed external materials, the current plans indicate that the main building will be constructed from natural stone whilst a standing seam metal roof is proposed. The use of natural stone is welcomed although in this locality, it would be expected in any event given the historic context. However, the use of metal on the roof immediately adjacent to Listed Buildings is not

acceptable and this would not be supported. At the time of issuing pre-application advice, Officer advised that natural slate or another appropriate material should be used on the roof. Presently, the precise finish and coursing of the stone has not been agreed and the applicant's agent has agreed to this being controlled via a condition. A similar approach will therefore be taken with respect to the roofing materials and the relevant condition will be worded to ensure that natural slate, zinc or lead are used in accordance with the advice issued by the Conservation Officer; albeit with the final specification to be confirmed through a planning condition. Specific material details for windows, doors, sills and rainwater goods have also not been confirmed but these are matters which can be adequately controlled via similar conditions as above.

5.4.14 There is a presumption in favour of preserving the character and appearance of the Conservation Area in addition to Listed buildings and their setting (as set out in S.72 and S.66 of Planning (Listed Buildings and Conservation Areas) Act 1990). This is echoed in local policies SP7, DM37, DM38 and DM39. Policy DM38 of the DM DPD sets out that only development which preserves or enhances the character and appearance of the area will be permitted whilst Policy DM37 sets out that the significance of Listed buildings can be harmed or lost through their alteration or destruction or development within their setting and Policy DM39 sets out that proposals that fail to preserve or enhance the setting of a designated heritage asset will not be supported.

5.4.15 Presently, based on the current submission, although the building has now been stepped forward as advocated by the Conservation Officer, the concerns with respect to the proposed materials remain. Accordingly, whilst it is noted that this is something the LPA intend to control and regulate through planning conditions, the public benefit test as set out in paragraph 202 of the NPPF must be applied. Overall, in applying this balance, the harm identified is, in essence limited because it can be appropriately addressed through conditions on this instance. Furthermore, the development of this site will remove an unattractive gap site within the street frontage which has plagued the setting of the Conservation Area and the adjacent Listed Building for a number of years. There is, therefore, a significant amount of public benefit delivered by virtue of the fact the setting of the Conservation Area and the adjoining Listed Building can be moderately enhanced through the removal of the unsightly, visually poor hard surfaced car park. The scale and overall design concepts are considered acceptable with no harm caused by the scale and/ or massing of the proposed building.

5.4.16 Consequently, whilst it is difficult to argue that the *current* submission fully demonstrates that the proposal will result in a positive addition to the locality, through the following, Officers are comfortable that with the following, the historic qualities of the adjacent listed building and the Conservation Area can be preserved:

- Condition requiring agreement (and subsequent retention) of all external materials prior to use
- Condition requiring agreement & specification (and subsequent retention) of all fenestration details including materials

It must also be remembered that this scheme needs to balance amenity concerns with wider design and heritage matters. In addition to the concerns raised by the LPA's Conservation Officer with respect to design, objections from consultees such as the Ancient Monuments Society, the Georgian Group and the Lancaster Civic Society have also been submitted. The comments from these consultees are similar and they all raise concern with respect to how the building will 'fit' in with the prevailing historic environment owing to its scale, external appearance and the use of dormer windows. As clarified above, external materials and fittings can be adequately controlled via a planning condition and Officers are comfortable with this approach. Ultimately, the degree of harm inflicted upon the adjacent Listed Building is considered to be less than substantial (as clarified above) and whilst the introduction of a new building which adjoins onto 108 will, quite naturally be noticed, it does not give to substantial harm within the context of paragraph 201 of the NPPF. Therefore, although a more sensitive solution from a heritage perspective could, theoretically, be devised, as discussed below, this scheme is able to showcase an adequate degree of compliance with heritage requirements and general amenity concerns to allow Officers to recommend it for approval.

5.4.17 Overall, therefore, it is considered that the design, layout and appearance of the proposed development (subject to conditional control and pending drawing) is appropriate to the character of the local area. The proposal presents an opportunity to bring back into use a redundant site and

enhance its appearance and improve its contribution to the character and setting of the conservation area. Accordingly, a material degree of conflict with paragraphs 199 and 202 of the NPPF and policies DM7, DM29, DM38 and DM39 - such that a refusal could be warranted - has not been identified and there is a genuine degree of public benefit in developing the site to prevent the further erosion and degradation of the Conservation Area.

5.5 Amenity and standard of accommodation Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles. National Planning Policy Framework section 12.

5.5.1 In conjunction with the National Planning Policy Framework, the development plan requires proposals to be of a high quality so that they contribute positively to the locality's sense of place and the community's wider health. In this regard, the Council expects proposals for new student residential development to deliver a good standard of amenity whilst also adequately preserving existing levels of amenity which existed prior to the proposal.

5.5.2 The submitted scheme proposes 16 single bed studio rooms and one shared two-bed flat in the roof space. In addition to the need for each studio flat to be at least 19sqm, appendix G of the Development Management DPD sets out that the following should be capable of being accommodated within each studio:

- Bed (minimum size of 2m by 0.9m)
- Desk and Chair
- Wardrobe
- Chest of Drawers (minimum of 0.8m wide)
- Kitchenette, incorporating an oven, hob, sink, 2 cupboards (or equivalent) and adequate work surface space;
- Dining surface with seat / stall
- Adequate circulation space
- En-suite with a toilet, adequately sized wash basin, shower, circulation space for changing and hanging space for clothes, towels etc

The submitted plans indicate that the above standards can be achieved with each studio room meeting or exceeding 19sqm and being able to offer the necessary space for the list of basic provisions above. The 2-bed cluster flat on the top floor is able to showcase compliance with the required internal standards prescribed by appendix G of the DM DPD.

5.5.3 In addition to the internal arrangement and space offered, in considering the relevant amenity impacts, the outlook and separation distances incorporated into the development must also be analysed. The relevant separation distances that the LPA would encourage are set out in appendix G of the DM DPD. However, in considering these 'standards' it must be remembered that this is an area characterised by a dense pattern of development with reduced separation distances between adjoining properties. As a result of the prevailing built form and reduced separation, there is already a degree of mutual overlooking already established between surrounding buildings. The new building will, quite naturally, result in a change in the outlook and visual amenity for a number of occupants but given the urban nature and built form of the locality, this is not judged to be a significant constraint.

5.5.4 Flats G.05, G.04, 1.06, 1.05, 2.05, 2.04, 3.02 and communal area 3.03 all have primary windows which face onto St Leonard's Gate and these are the only windows which serve these bedrooms and living spaces. The windows are clear glazed. Accordingly, this means that separation distance between these windows are the existing windows on 127 St Leonard's Gate will be approximately 12m. This is less than the 21m prescribed but given the natural form and urban rhythm of the street, a larger distance cannot be achieved. In any event, given that there is a road and two pavements in between, a direct and uncomfortable loss of privacy is not judged to arise.

5.5.5 Given the scale of the building, and its rear projection, flats G.01, G.02, G.03, 1.01, 1.02, 1.03, 1.04, 2.01, 2.02 & 2.03 all have windows which face onto Pitt Street only. The location and position of these windows have been subject to much discussion and negotiation with the applicant to ensure that an appropriate level of amenity, noting the urban context of the site, can be secured. It is beyond

the scope of this report to discuss and analyse the location of each and every window proposed but due to the proximity of 98 St Leonard's Gate the new windows installed to Pitt Street are either frosted or positioned so that they are offset against existing unrestricted windows. Therefore, whilst the separation distances prescribed by appendix G are not strictly met – with the views outward being of either existing development or rear service yards - adequate mitigation measures have been incorporated into the design to ensure that unacceptable overlooking or loss of privacy does not arise. Furthermore, in a central location such as this where historic nature of uses determines the amount and quality of space available, a design which delivers the full standoff distances within appendix G simply cannot be achieved. A balance between preserving the historic character and providing good levels of amenity must therefore be struck if the unsightly 'gap' is to be eradicated.

5.5.6 There are only two windows proposed to the northwest facing elevation and these look out over roof tops, courtyards and service area. One of these serves a bathroom (and will thus be frosted) whilst the other serves flat 3.01. The distance from the window serving flat 3.01 to the adjacent residential property on North Road is in excess of 30m and as such, this is judged to be acceptable from an amenity perspective.

5.6 **Amenity part II: Noise and low-level frequency disturbance** Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles. National Planning Policy Framework section 12.

5.6.1 A fundamental issue arising from similar applications in this locality for student accommodation relates to noise, and as such this matter must be considered here too. Low frequency noise (commonly referred to as bass noise) is particularly relevant. National Planning Practice Guidance (NPPG) advises that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Noise – like many other issues – can override other planning considerations, but the NPPG advises that the National Planning Policy Framework (NPPF) does not expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of a proposed development.

5.6.2 The application site is located approximately 100 metres from the Sugarhouse nightclub, which is run and owned by Lancaster University Students Union (LUSU), who are a registered charity. Excluding Covid-19 restrictions and lockdown measures, it opens on a Wednesday night between 2300-0300 and on a Friday and Saturday night between 2300 – 0330 and generally is only open to the students who study at the University of Cumbria and Lancaster University. Typically, it is usually open for around 30 weeks of the year (during term time) although the Covid-19 pandemic has disrupted this operation. Its permitted hours are 0900-0630 Monday to Sundays (with 24 hours opening on New Year's Eve) and 15 Temporary Events (Notices) are allowed per year. Whilst paragraph 185 of the revised NPPF advises of the need to avoid significant noise, paragraph 187 also iterates existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. This, however, is notwithstanding the provisions of the Environmental Protection Act 1990 and other relevant law will continue to protect amenity.

5.6.3 It should be noted that there is no specific guidance in the NPPF or the Local Plan which presents absolute noise level criteria, and there is no accepted formal methodology for assessing the potential impacts of low frequency noise. Low frequency noise is music in the 63 Hz and 125Hz octave band, which is often described as 'bass noise'; and is commonly emitted by late night music venues. It can be particularly difficult to contain and the impulsive and the non-steady character of low frequency noise can be particularly disturbing for residents exposed to it and occurs as a result of venues such as nightclubs. In dealing with previous (albeit larger and closer to the Sugarhouse) schemes, Officers have encouraged applicants to consider *Manchester City Council's Planning and Noise Technical Guidance* because this is based on British Standards 8233 (2014), NANR45, and the World Health Organisation document '*Guidelines for Community Noise*'. Ultimately, the objective noise criterion set for low frequency sound within the MCC Guidance is to achieve 'inaudibility'/'virtually inaudible' by limiting music noise levels in the 63Hz and 125Hz octave centre

frequency bands (in habitable rooms) to 47dB and 41dB respectively.

5.6.4 The application is supported by a noise assessment which has been undertaken and authored by Martec Environmental Consultants Ltd. This report confirms that noise measurements were taken from the second flood front façade of the building immediately adjacent to 108. Noise measuring apparatus was left in situ from for a 7-day period between April 12th and April 19th 2019. Based on the submitted noise report, due to the proximity of the road and the site’s central location, it is clear that the ProPG’s target noise levels (as based on n BS8233:2014) cannot be achieved without closed windows and mechanical ventilation. This is demonstrated in the below table which has been compiled by Officers (not the applicant):

Internal noise levels at:	ProPG Standard	Scheme <u>without</u> mitigation	Scheme with mitigation
Day (LAeq, 16hr)	35 LAeq, 16 hr	54 LAeq, 16 hr	35 LAeq, 16 hr
Night (LAeq, 8hr)	30 LAeq, 8hr	45 LAeq, 16hr	30 LAeq, 8hr

5.6.5 As can be seen, due to the site’s location, the internal ambient noise levels would be relatively poor without a scheme of acoustic mitigation. The submitted noise report specifically recommends that glazing (spec of 6.4lam/12/10) and a Greenwood MA3051 acoustic wall vent (or equivalent) in order to achieve the end results in the table above.

This information has been shared with the Council’s Senior Environmental Health Officer who has raised no objection to the report, its methodology or its recommendations. In addition, given the previous submissions for student accommodation in the area, the Environmental Health Officer has, in conjunction with the current submission, also reviewed the information submitted Red Acoustics for application reference 16/01155/FUL; this was for St Leonards Gate House which is in much closer proximity to The Sugar House night club.

Red Acoustic’s assessment of the noise egress around the Sugar House identified that the most significant area of concern was connected with the fire doors, smoking areas and due to poor sound insulation, the roof structure – but the latter was to a lesser extent. Their modelling data demonstrates how that sound impacted on the St Leonards Gate façade over-looking the night club and the distribution of that sound within that locality. Following review of this information and considering the intervening building structures, distance separation and sources of noise egress from the Sugar House night club, any resultant sound levels at the application site will be significantly reduced – even at the upper floor levels.

Therefore, whilst the objection raised by LUSU (via their planning agent is noted), having considered the information, Officers do not consider that it will be necessary or that there would be justification for further noise survey work to be undertaken. The proposed glazing specification recommended in Martec’s report along with Mechanical Extract Ventilation is considered appropriate and proportionate. With this level of mitigation secured (via planning condition), the aims set out in the Noise Policy Statement for England will very likely be met in that any noise impacts would result in ‘no observed effect levels’ or ‘lowest observed adverse effect levels’.

5.6.6 However, notwithstanding this, LUSU maintain their objection to the scheme on noise grounds. Critically, LUSU’s fundamental concern is that the operation of the nightclub could be compromised by introducing a noise-sensitive user in close proximity to its nightclub with complaints coming from future residents. Whilst not received in relation to this application, The University’s Provost for the Student Experience, Colleges and the Library estimates the Sugarhouse achieves almost 100,000 attendances a year and therefore in context this goes to show this is a heavily used student venue, and with this brings significant social and economic benefits to the City. LUSU’s point is that potential complaints may lead to proceedings against nuisance, *if* (our emphasis) the proceedings were successful that would result in a requirement for the Sugarhouse to abate the nuisance (in short turning the volume down, management of noise and/or improvements to the building – but not necessarily closure as this is a last resort). Such a turn of events would not be beneficial for any party involves. Given the agent of change principle in the NPPF and the conclusions of recent case

law (*Forster-v-The Secretary of State for Communities and Local Government* 2016), the potential impact upon an existing business to continue to function viably is a material planning consideration.

5.6.7 Accordingly, it is important for Members to consider that just because potential future occupants were aware of the nightclub prior to moving in, this is no defence against environmental health (noise) action being taken, and 'actionable' nuisance would still need to be investigated. The site lies within the City Centre and therefore it would reasonable to suggest that some level of disturbance is likely to occur. The question for decision-makers is the level of disturbance and whether this is reasonable in this location? In their assessment of the scheme Members should have regard to the two questions below;

- I. Is there a risk that the proposed development (student accommodation) could lead to the restricted nature of the club (or closure of the Sugarhouse nightclub)?
- II. What mitigation is required to enable the development to be acceptable in noise terms?

5.6.8 In response to these two issues, this scheme is not as close or as sensitive as similar proposals which have sought planning permission for student accommodation. The site is located some 100m away from the site with a plethora of intervening structures (which essentially act as sound barriers) in between and given the mitigation proposed and the input from the Council's EHO Officer, your Officers are satisfied that the proposal can be delivered without there being a detrimental impact upon the lawful operation of the Sugarhouse. As with the aforementioned similar schemes (St Leonard's House and The Gillows), planning conditions controlling the following will be imposed:

- Compliance with proposed acoustic mitigation and a requirement to protect against low frequency sound waves of 63/125Hz
- Submission of a mechanical ventilation scheme to be agreed

5.6.9 Although this application has not been subject to the same scrutiny (from a noise perspective) as the proposals at St Leonard's House and The Gillows were, from a noise and amenity perspective, Officers do not believe that a material conflict with national or local policy exists to such an extent that the scheme could be refused. The objections received from LUSU are understandable as the Sugarhouse is a long-standing student nightclub in the City Centre which adds to the student experience of studying at Lancaster University and the Local Authority recognises its' social and economic value to the wider city. Members are tasked to determine the application based on the evidence provided however and their attention is drawn to the formal no objection submitted by the Environmental Health Officer in June 2021. The scheme before Members is for student accommodation which is not the sole address of the occupants in any event. Unlike permanent residences, students are provided with support whilst in tenancy and if intolerant to particular noise disturbances from either within or without the development, they can be given the option to be relocated. In addition, tenancies are usually only 50 weeks in duration. However, critically - in the opinion of officers and Environmental Health - the scheme would not give rise to actionable noise complaints in any event. Collectively the Local Authority are content that the applicant's' proposal (subject to conditions) are not likely to lead to 'actionable' noise complaints and the two land uses can co-exist without detriment being inflicted upon each other.

5.7 Highway Matters and Access: NPPF Chapter 9 paragraphs 108-111 (Promoting Sustainable Transport) and Chapter 12 paragraph 127 (Achieving well-designed places); Strategic Policies and Land Allocations (SPLA) DPD policies T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision

5.7.1 From a National Planning Policy perspective, paragraph 110 of the 2021 NPPF advises that where appropriate, schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should, where possible and relevant, be taken up and encouraged although this will of course depend on the type of development and its location. This requirement is reflected in policy DM29 (Key Design Principles) which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, non-car dominated travel. As set out earlier in this report, the application site lies in a very sustainable location with an abundance of public transport, walking and cycling routes available to the potential student occupants.

- 5.7.2 The NPPF seeks to secure safe access for all and in that regard, Pitt Street will remain the same width (4.8m). It is noted the footprint of the proposed building is over a small section of the adopted highway, however. The Highway Authority has no objection in principle to the stopping up the segment Highway to the front of the proposed building and this is because the footpath remains suitably wide and would not prohibit safe access. This, however, will require a formal stopping up under the S247 of the Town and Country Planning Act 1990 prior to the commencement of any works; these powers are enacted by the Department for Transport. Accordingly, whilst a planning condition to secure the required stopping up order would not be appropriate, an advice note will be added to the decision notice confirming the need to secure the Order before works take place.
- 5.7.3 With respect to parking provision, the scheme does not deliver on site spaces but given that the scheme is for student accommodation (and will be conditioned as such), this does not pose a policy conflict. Furthermore, there is an opportunity for students to lease a parking space on the car park to the rear of 98 St. Leonard's Gate which is also student accommodation; should they so be inclined.
- 5.7.4 As illustrated on the plans, a large covered and secure cycle store is proposed on the ground floor with access onto Pitt Street. Although the comments from the Highway Authority suggest at least 16 cycle spaces should be delivered, given that the scheme is for 17 flats (and 18 bed spaces), Officers feel that the scheme should deliver 18 cycle spaces. The submitted ground floor plan only shows 6 cycles as being stored but with the use of double and triple styled racks, there is nothing before Officers which would suggest that 18 cycles could or would not fit.
- 5.7.5 The formal comments from the Highway Authority confirm that they wish to raise no objection subject to 4 conditions. Of these conditions, those numbered 1,2 and 3 either fail the NPPF's test for conditions or do not need to be imposed. The condition requiring the delivery of the cycle store however is noted and this will be conditioned so that is delivered before occupation is allowed.
- 5.7.6 Accordingly, the scheme is judged to comply with the provisions of DM29 (insofar as highway matters are concerned), DM61, T2 and paragraphs 108 – 111 and 127 of the NPPF.
- 5.8 Flood Risk and Drainage Matters (NPPF: Chapter 14 (Planning for Climate Change), Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Wastewater); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015)**
- 5.8.1 The NPPF advises that Local Planning Authorities should avoid permitting development in areas at the greatest risk of flooding and instead, it should be directed towards the areas with a lower flood risk. This national requirement is reflected in policy DM33. The application site in question is predominately within flood zone 1 with a very small strip falling on the northern boundary in flood zone 2. However, no built development is proposed here and is not therefore subject to the sequential or exception test as set out within the NPPF. There is no evidence within the submitted application which would suggest that the scheme is likely to exacerbate flooding in other locations.
- 5.8.2 With respect to surface water runoff, policy DM34 advises that all new development should manage surface water run off in a sustainable way and that the design of all proposed surface water drainage systems should have regard to the surface water drainage hierarchy as set out below with 1 being the preference and 4 being the least preferred method:
1. Into the ground (infiltration at source);
 2. Attenuated discharge to a surface water body, watercourse or the sea;
 3. Attenuated discharge to surface water sewer, highway drain or another drainage system;
 4. Attenuated discharge to a combined sewer (as a last resort only in exceptional circumstances where it can be demonstrated that no other options higher up the hierarchy are feasible).
- 5.8.3 The submitted surface water management strategy is basic and it fails to adequately consider options 1, 2 or 3 of the drainage hierarchy above. Instead, it simply states that the development will be discharged into the existing public sewer. However, it is not clear of this is to be discharged into a surface water sewer or a combined sewer due to the lack of detail in the submitted drainage report; and it is known that both systems are present in the locality. This has resulted in the Lead Flood Authority raising an objection to the scheme due there being insufficient information submitted.

5.8.4 Whilst the LFA's objection is both noted and respected, it is the view of Officers that this is a matter which could be adequately addressed via a pre-commencement condition as suggested by United Utilities. The condition will be worded so that the applicant must demonstrate why more sustainable options further up the drainage hierarchy cannot be relied upon to drain this site. It is likely that a case can be made for option 3 or 4 on the hierarchy but this needs to be adequately demonstrated by the applicant; and not left to the discretion of Officers or Members. The same applies to foul water drainage; no details have been provided to show how it will be treated / drained and this too will therefore need to be controlled via a planning condition.

5.8.5 As noted above, a small section of the site's northern tip lies in flood zone 2 and Environment Agency data from 2015 illustrates that the site has, in the past, been subject to a degree of fluvial flooding. Accordingly, the submitted flood risk assessment proposes some basic mitigation measures to ensure that an unacceptable risk is not posed to those using the ground floor in the event of another flood event. Officers would stress that the built development (and bedrooms) are intentionally located in flood zone 1. However, given that the applicant has volunteered the below mitigation measures, they will be secured by way of a planning condition accordingly:

- Raised electrical sockets
- Raised utility boxes
- No wiring within lower ground floor construction
- Ground floor to be constructed with 300mm freeboard allowance

5.8.6 Accordingly, with the recommended conditions referred to above (surface water / foul) and the delivery of the proposed flood mitigation measures the scheme is not considered to be at risk from flooding or give rise to additional flood risks downstream.

5.9 Contaminated land and air quality Development Management DPD DM29: Key design principles, DM31: Air Quality Management and Pollution, DM32: Contaminated Land. National Planning Policy Framework sections 11, 12 and 15.

5.9.1 The application is supported by a phase 1 desk study contamination report. This confirms that the site can be classified as a moderate risk in terms of contamination to human health receptors. The risks posed post development are also judged to be moderate.

5.9.2 This classification is due to the potential for Made Ground to be present beneath the site and several offsite land uses which have the potential to contaminate the shallow soils. These land uses include a foundry, laundry and sawmills. Therefore, there is the potential for contamination to be present in the ground beneath the site associated with these land uses. Possible contaminants include heavy metals and hydrocarbon vapour. Additionally, there is the potential for ground gases (carbon dioxide and methane) associated with the made ground.

5.9.3 Accordingly, having reviewed the submitted report, the LPA's Land Contamination Officer has advised that the standard pre-commencement land contamination condition be imposed.

5.9.4 With respect to air quality, the site lies close to the Lancaster City AQMA but it is below the threshold of a large site within zone 1 and as such, an air quality assessment is not required in this instance. In addition, the scheme does not encourage private car use in any event and a condition will be attached requiring the delivery of the proposed cycle storage area. Given that the scheme will need to employ a mechanical ventilation system as discussed earlier, this too will adequately mitigate the potential for unrestricted fume ingress into the building.

5.10 Other material considerations

5.10.1 **Waste storage** – comments from the Council's Waste Officer confirm that a scheme of this nature would need to demonstrate that:

- 150mm clearance provided around individual bins.
- Doorways should provide at least 1.3m clearance (including thickness of doors)
- Walkway of at least 1.3m wide to be provided within the store that allows access to each of the individual containers and ensures that an individual container can be removed from the store without the need to move any other containers.

Based on the submitted ground floor plan, the above requirements can be accommodated within the scheme. Servicing and storing the site's bins should not therefore pose as an operational or logistical constraint.

5.10.2 **Planning obligations** – A contribution of £2871 has been requested by the NHS to mitigate the effects of the development. Specifically, the consultation response states '*towards the extension and reconfiguration at Queens Square Medical Practice & King St surgery*'. However, the request fails to meet the required standard tests as precise details of the project to which the money will contribute has not been provided. A financial contribution has not therefore been pursued by the LPA.

5.10.3 **Employment Skills Plan** – The proposed development is defined as a major development which will result in the provision of 16 studio apartments and one 2-bed flat, therefore in accordance with Policy DM28 of the Development Management DPD and the Employment and Skills Plans SPD, the Council must consider whether the submission of an Employment and Skills Plan would be reasonable. The Council is seeking to play a leading role in improving educational attainment and skills and raise aspirations within the district. It is important to ensure that local people get the right education, skills and inspiration to enable them to get jobs. Preparing and implementing an Employment and Skills Plan (E&SP) for major new development is one of the ways to achieve this. Given the scale of the development proposed exceeding the threshold criteria stipulated within Policy DM28 of the Development Management DPD and the Employment and Skills Plans SPD, it is considered necessary that an E&SP be developed and implemented. This can be appropriately controlled by way of a pre-commencement planning condition.

5.10.4 **Invasive species** – the submitted Environmental Report (Ref CL101_V1) states in chapter 5 that Japanese Knotweed has been identified on the site. However, no further information is provided to confirm if this has been removed, treated or otherwise addressed. Importantly, under the 1981 Wildlife and Countryside Act it is an offence to allow this invasive species to spread onto land which is in third party ownership. In this instance, given that the Knotweed has been identified on the eastern side of the site, it is important to the integrity of the building and the future safety of potential occupants (and indeed adjacent Listed Buildings) that the Knotweed is removed before further development commences. This can be controlled through a relatively simply planning condition which requires the submission of an invasive species protocol to be submitted to and approved in writing by the LPA.

5.10.5 **Habitat Regulations Assessment** – In accordance with the Conservation of Habitats and Species Regulations 2017 the Council have undertaken a Habitat Regulations Assessment in order to assess the impact of the development proposal upon the special characteristics of the European Designated habitat sites protecting Morecambe Bay. It has been determined that likely significant effects upon these designations can be mitigated through the provision of 'Homeowner Information Packs' to be supplied to each unit of accommodation. This could be controlled through planning condition in the event of an approval. Given that the turnover of student accommodation is significantly more than that of a normal or standard dwelling, the condition will not only require the provision of packs to initial occupants but all occupants thereafter.

6.0 Conclusion and Planning Balance

6.1 The existing site operates as a surfaced carpark and although the site's workshop was identified as being a positive building, on the whole, the site detracts from the character and appearance of the locality. Due to the gap in the street frontage and the presence of the hard surface, the significance and setting of both the Conservation Area and adjacent Listed Buildings are compromised. The principle of developing this site is therefore something that the LPA would welcome. The introduction of a building which harmonises with the locality's historic Georgian form and relies on high quality materials will preserve both the setting of the Conservation Area and the adjacent Listed Building

through the removal of the unsightly hard surfaced carpark. The loss of the workshop building is regrettable but overall, given that it would be screened from principal views in any event, this is not a significant weight against the scheme. It is noted that the outlook from some of the bedrooms will be limited but given the site's location in the urban and historic core of Lancaster, it would be somewhat unrealistic to expect long, undisturbed views from each and every window. A significantly adverse impact on amenity is not therefore judged to arise as a result of the development and this applies equally to existing levels of amenity. Overall, this is a scheme which is able to demonstrate a suitable degree of compliance with the development plan and the advice within the NPPF such that it may be recommended for approval

Recommendation

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

Condition no.	Description	Type
1	Time limit	Standard
2	Compliance with approved plans	Standard
3	Contaminated land assessment	Pre-commencement
4	Employment skills plan	Pre-commencement
5	Surface water drainage	Pre-commencement
6	Foul Drainage	Pre-commencement
7	Invasive species protocol	Pre-commencement
8	Archaeology	Pre-commencement
9	Method statement for works	Pre-commencement
10	Details of mechanical ventilation	Pre-commencement
11	Agreement of materials – excluding roof	Above ground
12	Agreement of materials – roof only	Above ground
13	Hard landscaping scheme for courtyard	Above ground
14	Windows to be obscured	Pre-occupation
15	Details and provision of cycle storage	Pre-occupation
16	Provision of bin storage	Pre-occupation
17	Installation of acoustic mitigation	Pre-occupation
18	Drainage verification	Pre-occupation
19	Compliance with flood risk mitigation	Pre-occupation
20	Ecological packs for students	Pre-occupation
21	Hours of construction	Control
22	Separate drainage systems	Control
23	Compliance with energy statement	Control
24	Restriction to students only	Control

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

Agenda Item	A10
Application Number	20/00700/LB
Proposal	Listed building application for removal of the buttresses and stone boundary wall from 108 St Leonards Gate and the erection of a 3 and 4 storey building
Application site	Land Adjacent To 108 St Leonards Gate Lancaster Lancashire
Applicant	Mr Mister
Agent	Mr Ion
Case Officer	Mr Adam Ford
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

1.1 This application relates to a small gap site within the otherwise continuous built-up frontage on the western side of St Leonard's Gate, close to Lancaster city centre. The majority of the site is now a surfaced private car park following the demolition of derelict two storey buildings in the late 1960s. Part of the site is covered with a road surface providing vehicular access to Pitt Street, following closure of the underpass beneath no. 98. St Leonards Gate, which provides access to a service area and private car parking between the buildings fronting St Leonard Gate and North Road. To the rear of the site and fronting onto Pitt Street was a single storey hipped and slate roofed workshop with painted rendered walls, but this has been demolished.

1.2 The site is within the City Centre Conservation Area and numbers 108/110 and 112/114 are Grade II Listed buildings. This part of the western side of St Leonard's Gate is characterized by substantial 3 storey Georgian properties with the larger scale St Leonard's House lying further to the north. Adjoining the site to the east is a 3-storey former Victorian coach works and warehouse, no. 98, which is now converted to student accommodation. The Lancaster Air Quality Management Area (AQMA) lies approx. 16 metres to the northwest and 30 metres to the southwest. A small strip of the site's north western edge lies within flood zone 2 also.

2.0 Proposal

2.1 In conjunction with application 20/00699/FUL, this application seeks Listed Building Consent for the following works:

- The removal of buttresses and stone boundary wall from 108 St Leonards Gate
- Erection of a 3 and 4 storey student accommodation building (attached to 108 St Leonards Gate)

The removal works are required to facilitate the construction and erection of the new building and, as clarified in the linked report for 20/00699/FUL planning permission is also sought for the

retrospective demolition of the site's former workshop building and the subsequent erection of a 3 and 4 storey building to be used for student accommodation. The development comprises sixteen 1 bed student flats and one 2 bed cluster flat. In terms of the student accommodation proposed, the scheme will deliver the following:

- Ground floor: 5 x 1 bed flats and bike /bin stores
- First floor: 6x 1 bed flats
- Second floor: 5 x 1 bed flats
- Third floor: 1 x 2 bed cluster flat

In total, the scheme will therefore deliver 17 student flats. Each 1 bed flat is equipped with a bed, a bathroom, a sink, a cooker/hob and internal fittings such as desks and cupboards. The 2-bed flat on the third floor is equipped with the same amenities but the bedrooms share a bathroom, the kitchen and the breakout area.

2.2 The scheme will occupy the majority of the site currently used as a car park, maintaining the gap from no. 98 so that access is retained to Pitt Street, and will include the demolition of the buttresses to the side of 108 St Leonards Gate. Access to the building would be from the side elevation onto Pitt Street although in the interest of retaining local character, a mock street entrance onto St Leonards Gate is also proposed. Bin and cycle storage is to be delivered on the ground floor with access from Pitt Street.

2.3 Negotiations with respect to the external finish and the precise materials to be used in the building's external appearance remain ongoing with the applicant and they are likely to be controlled via a planning condition. However, the submitted plans indicate that the building will be finished in natural limestone with standing seam metal used in the construction of the roof and the building's dormers. The use of stone is acceptable in principle subject to the precise nature of the finish and in particular, the coursing, finish and arrangement of the Limestone. The use of a metal roof here however is not acceptable and the requirement for a slate roof (or zinc / lead) as per the Conservation Officer's comments is therefore stipulated in a specific planning condition.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00699/FUL	Relevant demolition (retrospective) of existing workshop and the erection of a 3 and 4 storey building to create student accommodation comprising sixteen 1-bed studios and one 2-bed cluster flat (C3) and a bike/bin store room	Pending
19/01216/LB	Listed building application for removal of the buttresses and stone boundary wall from 108 St Leonards Gate and the erection of a 3 and 4 storey building and excavation to form basement.	Refused
19/01215/FUL	Relevant demolition of existing workshop and the erection of a 3 and 4 storey building to create student accommodation comprising eighteen 1-bed studios and one 2-bed cluster flat (C3) and excavation to form basement to accommodate laundry room, plant room and bike store	Refused
18/01247/PRETWO	Erection of new build student accommodation comprising 33 student rooms distributed in 5 flats with adjacent bin store and cycle parking	Closed
13/01220/FUL	Erection of new build student accommodation comprising 4 cluster flats (C4) and 1 2-bed cluster flat (C3) with associated bin store and re-instatement of	Refused

	stone stack to adjoining property no 108 St Leonard's Gate	
13/01221/LB	Listed building application to construct new student accommodation onto the gable wall of no 108 St Leonard's Gate including the reinstatement of a stone stack to no 108	Refused
13/00787/FUL	Erection of new build student accommodation - 21 rooms with associated bin store and re-instatement of stone stack to adjoining property no 108 St Leonard's Gate	Withdrawn
13/00788/LB	Listed building consent to construct new student accommodation onto the gable wall of no 108 St Leonard's Gate including the reinstatement of a stone stack to no 108	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
LPA Conservation Officer	Latest comments dated 12 November 2021 confirms no formal objection to the proposal but recommendations made to improve the materials and Pitt Street elevation
Lancaster Civic Society	Objection to the proposal on the basis of inappropriate design and harm to the historic environment
County Archaeology	No objection subject to standard condition being imposed on associated FUL planning application
Ancient Monuments Society	Objection to the proposal on the basis of inappropriate design and harm to the historic environment
Georgian Group	Objection on the basis that design is inappropriate

4.2 No comments from members of the public have been provided in response to this application but County Councillor Collinge has raised an objection to the scheme on the basis that the scheme is not of a suitable design.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Legal context
- Preservation of the adjoining Grade II Listed Georgian Terraces

5.2 Legal Context

5.2.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan (hereafter 'Local Plan') for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents (SPLA DPD), a reviewed Development Management (DM) DPD, the Morecambe Area Action Plan DPD and the Arnside and Silverdale AONB DPD.

5.2.2 In addition to the above, when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

5.2.3 This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings.

- 5.2.4 The above provision with respect to Listed Buildings has been factored into the determination of this planning application and the requirements have been duly considered by Officers in making this recommendation to Members.
- 5.3 **Preservation of the adjoining Grade II Listed Georgian Terraces.** Strategic Policies and Land Allocations DPD SP7 protecting Lancaster's unique heritage, Development Management DPD DM29: Key design principles, Development affecting Listed Buildings, DM39: The Setting of Designated Heritage Assets. National Planning Policy Framework sections 12 and 16.
- 5.3.1 Paragraph 5.2.2 sets out the LPA's statutory obligation to consider the preservation and protection of listed buildings as per S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requirement is further reflected within the chapter 16 of the NPPF. Specifically, paragraph 199 of the Framework advises that 'great weight' should be given to the conservation of designated heritage assets and the paragraphs which follow 199 set out how the presumption in favour of protecting and preserving such assets is to be applied. Ultimately, the exercise still requires a degree of planning judgement but it must be informed by the need to give special weight to the desirability to preserve the heritage asset. The presumption is thus to avoid harm and where harm is to be inflicted, adequate justification and public benefit from be demonstrated.
- 5.3.2 This application seeks listed building consent to remove the existing exposed buttresses to the flank wall of 108 St Leonard's Gate which is a grade II listed building. It also seeks consent to remove the partially complete stone boundary wall which adjoins 108 and for the construction of the proposed accommodation building reported under 20/00699/FUL.
- 5.3.4 The application site on St Leonard's Gate forms the 'end' of a terrace of fine Georgian townhouses dating from the late 18C. The existing buildings are finished in stone ashlar with the formal architectural character and proportions of windows, doors and string courses typically associated with classical buildings of this period. The adjoining houses in the terrace are in similar style and finish, giving the terrace as a whole a cohesive appearance. All are grade II listed and, together with the grade II Centenary Church to the west, they are a prominent and attractive group of historic buildings and form an important element of townscape within the Lancaster Conservation Area. There are a number of other listed buildings nearby which would also be affected by the proposals. To the rear the character is more varied, well enclosed by a number of ancillary or secondary buildings of traditional character of more intimate, domestic scale.
- 5.3.5 The principle of developing the site has long been accepted and would remove an unattractive gap site within the street frontage. The previous building was demolished in the late 1960s, with a fragment of the west gable remaining on the site, which forms part of the gable wall of the listed building. In order to do this, the existing buttresses and stone boundary wall must be removed from 108 St Leonard's Gate so that the new building can be constructed as per the submitted plans. The proposed building will also need to adjoin to 108 St Leonard's Gate and this is a further reason that Listed Building Consent is sought.
- 5.3.6 Currently the application site is a poorly maintained hard surface carpark which undermines the setting and significance of the Listed Building. By removing the existing buttresses and developing the site, the setting of the Listed Building will ultimately be improved (compared with the current context) through the introduction of new building which harmonises with the locality's prevailing Georgian and Victorian character.
- 5.3.7 Given that the buttresses must be removed, and the new building will be placed within the immediate setting of the Listed Building, it must be noted that a degree of less than substantial harm will arise. Historic fabric will be removed and the way in which the Listed Building is appreciated will ultimately be impacted by introducing a similarly scaled building into its context. It is noted that comments from local Historic Groups suggest that this will result in unacceptable harm and that the proposal will compete with the Listed Building. However, given that LPA's Conservation Officer has not raised an objection or cited substantial harm to the Listed Building, an overarching reason for refusal is not judged to arise.
- 5.3.8 Pursuant to Paragraph 202, where less than substantial harm is judged to arise, the benefits of the scheme must be weighed against the public benefits. This planning judgement is explored in the report for 20/00699/FUL but it is repeated here for clarity. The site is currently a visual blight on the

Conservation Area and the Listed Building in question. By developing it in the way proposed, the setting of both heritage assets can be improved when compared to the current poor situation. This may still result in some minor harm occurring but on balance, given the improvement that be secured to appearance of the Listed Building (and the Conservation Area) this minor level of harm is considered to be justified.

- 5.3.9 It is noted that the LPA's Conservation Officer has raised concerns with respect to the proposed materials to be used in the external construction of the building. This is an important point given that the external design of the building will impact on the Listed Building. For this reason, agreement to all materials and external finishes are to be controlled via a planning condition. Similarly, given that parts of the Listed Building need to be removed to facilitate the development, a condition requiring the submission of method statement will be imposed to ensure that the proposed removal (and methods proposed) are suitable for the Listed Building.
- 5.3.10 In addition to the concerns raised by the LPA's Conservation Officer with respect to design, objections from consultees such as the Ancient Monuments Society, the Georgian Group and the Lancaster Civic Society have also been submitted. The comments from these consultees are similar and they all raise concern with respect to how the building will 'fit' in with the prevailing historic environment owing to its scale, external appearance and the use of dormer windows. As clarified above, external materials and fittings can be adequately controlled via a planning condition and Officers are comfortable with this approach. Ultimately, the degree of harm inflicted upon the adjacent Listed Building is considered to be less than substantial (as clarified above) and whilst the introduction of a new building which adjoins onto 108 will, quite naturally be noticed, it does not give to substantial harm within the context of paragraph 201 of the NPPF.
- 5.3.11 On balance, given the comments from the aforementioned local Historic Groups and the LPA's Conservation Officer, it is considered that there will be a small degree of less than substantial harm inflicted upon 108 St Leonard's Gate. However, this is outweighed by the public benefits associated with re-developing this visually unattractive brownfield site which will not only preserve the setting of the Conservation Area but will also moderately improve the setting of the Listed Building in question. Accordingly, the development is deemed to comply with Policy SP7 of the SPLA DPD, policies DM37 and DM39 of the DM DPD and the advice contained within chapter 16 of the NPPF.

6.0 Conclusion and Planning Balance

- 6.1 The Local Planning Authority is supportive of this application to develop a site which has undermined the significance and setting of the locality's designated assets for a number of years. In busy, densely populated locations developing next to historic buildings and those which are listed can pose significant challenges. It is often therefore necessary to adopt a pragmatic approach which may mean that a degree of less than substantial harm is to be inflicted if a site's potential is to be realised. This application poses an opportunity to demonstrably improve the way that the existing Listed Building interacts with the public realm through the removal of an unsightly black top carpark with a well-designed building which harmonises and reflects the historic character of the area.
- 6.2 Officers accept that the design may not be *ideal* and the objections from numerous historic groups articulate a certain degree of frustration at the inclusion of modern features. However, it must be recognised that historic and contemporary design can co-exist and the current proposal is an example of this harmony. Critical details such as the finishing, stone and roofing materials will be controlled via planning condition and therefore, whilst a degree of less than substantial harm is likely, there remains a suitable degree of control to minimise this within the context of policies SP7, DM37 and DM38.
- 6.3 Furthermore, the creation of an end terrace has the ability to preserve the Listed Building from the natural elements. This will prevent further premature deterioration and this allows the development to ensure that the long term survival chances of the adjoining Listed Building are maximised also.

Recommendation

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

Condition no.	Description	Type
1	Time limit	Standard
2	Compliance with approved plans	Standard
3	Method statement and details for removal of buttresses and stone wall of 108 St Leonards Gate, making good removal works and construction details	Pre-commencement
4	Agreement of materials – excluding roof	Above ground
5	Agreement of materials – roof only	Above ground

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

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
18/00643/CU	Crook O Lune Caravan Park, Caton Road, Quernmore Change of use of woodland for the siting of 19 additional static holiday caravans for Mr John Morphett (Lower Lune Valley Ward 2015 Ward)	Planning Permission Quashed
20/01021/FUL	Lancaster Vintage And Classic Spares, Lord Street, Morecambe Change of use of commercial building (sui generis) into dwellinghouse (C3), demolition of garage and installation of dormer windows for Mr Colin Swift (Poulton Ward 2015 Ward)	Application Permitted
20/01174/FUL	Field 7471, Moss Lane, Thurnham Change of use of agricultural land for flying model aircraft, provision of parking for members' cars during flying sessions and the siting of a storage container for Mr Peter Sandford (Ellel Ward 2015 Ward)	Application Refused
20/01280/FUL	Globe Hotel, Main Street, Overton Change of use of pub and hotel into ground floor micro-pub (Sui generis) with flat above (C3) and one dwelling (C3) for Mr S Goulding (Overton Ward 2015 Ward)	Application Permitted
21/00053/FUL	Hunting Hill Lodge, Hunting Hill Road, Carnforth Erection of one detached bungalow (C3) for Dan Taylor (Carnforth And Millhead Ward 2015 Ward)	Application Withdrawn
21/00091/DIS	Land North Of, Royal Oak Meadow, Hornby Discharge of conditions 3,4,5,6,7,8,9,11 and 14 on approved application 15/01593/OUT for Mr J Beard (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00110/DIS	Land North Of Hampson Green Mews, Hampson Lane, Hampson Discharge of conditions 3, 4, 5, 6 and 7 on approved application 18/00661/OUT for Mrs Yvonne Dickinson (Ellel Ward 2015 Ward)	Split Decision
21/00117/DIS	Site Of Former Filter House, Scotforth Road, Lancaster Discharge of conditions 7 and 8 on approved application 19/00996/VCN for Mr Vivian Watts (University And Scotforth Rural Ward)	Split Decision
21/00130/DIS	Glebe House, Melling Road, Melling Discharge of condition 3 on approved application 21/00457/LB for Mr James Mallaband (Upper Lune Valley Ward 2015 Ward)	Split Decision
21/00131/DIS	Old Hall Caravan Park, Capernwray Road, Capernwray Discharge of condition 4, 5 and 6 on approved application 18/00983/FUL for Mr James Whiteman (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00133/DIS	Land At, 2 Hall Garth Close, Capernwray Road Discharge of conditions 4, 6 and 7 on approved application 19/01575/FUL for Mr + Mrs R + L Jackson (Kellet Ward 2015 Ward)	Split Decision
21/00135/DIS	Field Adjacent To Woodlands View, Over Kellet, Lancashire Discharge of conditions 4 and 6 on approved application 20/00136/FUL for Mrs Karen Drinkall (Kellet Ward 2015 Ward)	Application Permitted
21/00135/FUL	Banton Farm, Chipping Lane, Dolphinholme Change of use of and conversion of attached barn into two dwellings (C3) including erection of an extension and change of use of agricultural land to associated domestic garden and change of use of and conversion of the detached barn into one dwelling (C3) including erection of a single storey link extension, installation of windows, doors, balustrades, rooflights and flues, installation of drainage and heating infrastructure, creation of new access and parking and associated landscaping. for Duchy of Lancaster (Ellel Ward 2015 Ward)	Application Permitted
21/00136/LB	Banton Farm, Chipping Lane, Dolphinholme Listed building application to facilitate the conversion of attached barn into two dwellings (C3) including erection of an extension, replacement concrete roof tile with slates, installation of windows, doors, staircases, balustrades, rooflights and flues, construction of canopy above door, removal and re-purposing of livestock stalls, installation of partition walls and new floors, repointing works and installation of rainwater goods and conversion of the detached barn into one dwelling (C3) including erection of a single storey link extension, replacement roof materials, installation of windows, doors, rooflights, staircases, balustrades and flues, repointing works, installation of rainwater goods for Duchy of Lancaster (Ellel Ward 2015 Ward)	Application Permitted
21/00139/DIS	Halton Park Farm, Park Lane, Halton Discharge of conditions 3 and 4 on approved application 21/00427/LB for Mr Mark Davies (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
21/00142/DIS	Land Off Bye Pass Road And , Land Rear Of 18 To 24 Monkswell Avenue, Bolton Le Sands Discharge of condition 8 on approved application 18/01493/FUL for Mr J. Grafton (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/00145/DIS	Land North Of Hala Carr Farm, Bowerham Road, Lancaster Part discharge of condition 8 on approved application 19/01158/FUL for Oakmere Homes (University And Scotforth Rural Ward)	Application Permitted
21/00156/DIS	The Carpetman, Unit 5A, Southgate Discharge of condition 5 on approved application 21/00881/FUL for Mr S Armer (Westgate Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00227/VCN	St Thomas Centre, Marton Street, Lancaster Relevant demolition of existing 2 storey Church Centre building and erection of a replacement 2.5 storey Church Centre building, including covered canopy link to the adjacent Church and alterations to existing carpark, including creation of steps and resurfacing (Pursuant to the variation of condition 2 on planning permission 19/00697/FUL to amend the previously approved proposed site plan and elevational plans) for Mr Tim Parsons (Castle Ward 2015 Ward)	Application Permitted
21/00284/FUL	20 China Street, Lancaster, Lancashire Retrospective application for the retention of windows at first floor, replacement shop front, construction of a dormer extension and two rooflights to the rear elevation and installation of two rooflights to the front elevation for Ruks Abrol (Castle Ward 2015 Ward)	Application Refused
21/00337/FUL	Highfield Farm, Quernmore Road, Lancaster Single storey extension to existing outbuilding for Mr Mom Jaswant (Bulk Ward 2015 Ward)	Application Permitted
21/00348/FUL	9 Church Street, Lancaster, Lancashire Installation of 2 no. windows at first floor level, installation of perch seating and construction of awning to the front elevation for Ellershaw (Castle Ward 2015 Ward)	Application Permitted
21/00415/LB	Coach House To Rear Of Mansergh House, Borwick Lane, Borwick Listed building application for conversion of coach house to ancillary accommodation, alterations to internal walls, installation of timber first floor with staircase and insulated timber rafters, alterations to windows and doors, installation of a rooflight to the east elevation and associated hard landscaping for Mr Howson (Kellet Ward 2015 Ward)	Application Permitted
21/00420/FUL	Tunstall Hall Farm, Tunstall Road, Tunstall Erection of a roof structure over existing collecting yard for Towers (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00421/FUL	Tunstall Hall Farm, Tunstall Road, Tunstall Erection of a roof structure over existing silage clamp for Towers (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00428/FUL	Middle Crag Farm, Starbank, Dolphinhholme Change of use of agricultural buildings to create four dwellings (C3) and associated domestic ancillary buildings, installation of drainage infrastructure and landscaping. for Mr Ken Drinkwater (Ellel Ward 2015 Ward)	Application Permitted
21/00443/FUL	Stables On Field Number 0045, Capernwray Road, Capernwray Construction of a manége with altered land levels for Mrs Dianne Smith (Kellet Ward 2015 Ward)	Application Permitted
21/00452/FUL	Tunstall Hall Farm, Tunstall Road, Tunstall Creation of concrete hardstanding on existing yard area for Towers (Upper Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00480/CU	Standerlands Farm, Lancaster Road, Slyne Retrospective application for change of use of part of stable building into ancillary residential accommodation in association with Standerlands Farm for Murgatroyd (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/00492/FUL	Tunstall Hall Farm, Tunstall Road, Tunstall Erection of roof structure over existing feed bunker for Towers (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00494/FUL	Botton Head, Whiteray Road, Tatham Construction of an agricultural building over existing midden for Mason - Hornby (Lower Lune Valley Ward 2015 Ward)	Application Permitted
21/00506/OUT	Land North Of Bailrigg Lane, Lancaster, Lancashire Outline application for the development of 5 dwellings (C3) and associated access for Mr Stratford-Hall (University And Scotforth Rural Ward)	Application Refused
21/00513/FUL	Botton Head, Whiteray Road, Tatham Construction of an agricultural building for Mason-Hornby (Lower Lune Valley Ward 2015 Ward)	Application Permitted
21/00544/FUL	122 Aldcliffe Road, Lancaster, Lancashire Change of use of residential land for siting of hut for use as holiday accommodation including associated amenity space and hard landscaping for Mr & Mrs Wellesley-Smith (Castle Ward 2015 Ward)	Application Refused
21/00546/FUL	New House Farm Caravan Park, Long Level, Cowan Bridge Demolition of existing agricultural barn, erection of 5 dwellings (C3) for use as holiday lets with associated landscaping and parking for Thomas Hogarth (Upper Lune Valley Ward 2015 Ward)	Application Refused
21/00547/CU	114 St Leonards Gate, Lancaster, Lancashire Retrospective application for change of use of 4-bed student accommodation into 6-bed student accommodation for Afar Properties Limited (Bulk Ward 2015 Ward)	Application Refused
21/00548/LB	114 St Leonards Gate, Lancaster, Lancashire Listed building application for retention of conversion of 4-bed student accommodation into 6-bed student accommodation including reconfiguration of layout to ground floor and lower ground floor, creation of en-suite bedrooms and relocation of staircase for Afar Properties Limited (Bulk Ward 2015 Ward)	Application Refused
21/00555/LB	Stork Hotel, Corricks Lane, Conder Green Listed building application for alterations to reinstate building following fire damage and reconstruction of lean-to extension for C Nettleton (Ellel Ward 2015 Ward)	Application Permitted
21/00583/ADV	Unit 2, Lowell House, Caton Road Advertisement application for the display of one externally illuminated fascia sign and one externally illuminated wall mounted sign for Qasim Munshi (Bulk Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00594/LB	4 High Street, Lancaster, Lancashire Listed building application for the installation of 4 replacement timber windows to the front for Mr Nick Wilkinson (Castle Ward 2015 Ward)	Application Withdrawn
21/00613/FUL	45 Dutton Drive, Lancaster, Lancashire Erection of a single storey orangery extension to rear for Mr Lancaster (Bulk Ward 2015 Ward)	Application Refused
21/00645/FUL	The Sands Care Home, 390 Marine Road East, Morecambe Change of use of part of car parking area to bin storage area, erection of a fencing and creation of a new parking area for Mr Robert Wilson (Poulton Ward 2015 Ward)	Application Permitted
21/00668/ADV	Williamson Court, 142 Greaves Road, Lancaster Advertisement application for the display of 1 non-illuminated stack sign and the retention of 1 non-illuminated double sided "V" board signs, 2 non-illuminated directional signs and 2 non-illuminated flagpoles for McCarthy Stone Retirement Lifestyles Ltd (Scotforth West Ward 2015 Ward)	Application Refused
21/00705/OUT	Field At Grid Reference 351950 471570, Netherbeck, Carnforth Outline application for the development of one agricultural workers dwelling and sewage treatment plant for Mr & Mrs Thompson (Kellet Ward 2015 Ward)	Application Refused
21/00715/FUL	9 Shelley Close, Bolton Le Sands, Carnforth Erection of a two storey side extension, erection of a porch to the front elevation and erection of a single storey rear extension for Mr Liam Gallagher (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/00716/FUL	1 And 2 Jack Scout Cottages, Lindeth Road, Silverdale Erection of a single storey side extension, construction of a dormer extension to the side elevation and installation of pitched roof over existing front dormer window for Mr & Mrs A & S Tomlinson (Silverdale Ward 2015 Ward)	Application Permitted
21/00717/FUL	2 Lane Cottages, Burrow Heights Lane, Lancaster Erection of a first floor side and rear extension for Mr Leon Wanless (University And Scotforth Rural Ward)	Application Refused
21/00762/FUL	Brades Farm, Farleton Old Road, Farleton Change of use of agricultural land to equestrian, excavation of land and erection of a stable building for equine rehabilitation, a car parking area and internal access roads for Mr J Towers (Upper Lune Valley Ward 2015 Ward)	Application Refused
21/00772/FUL	High Abbey, Bay Horse Lane, Bay Horse Demolition of existing outbuilding, change of use of paddock to garden in association with High Abbey and erection of a two storey outbuilding for Mr John Robinson (Ellel Ward 2015 Ward)	Application Refused
21/00793/VCN	Lancaster University, Bigforth Drive, Bailrigg Creation of pathway linking Bigforth Drive to the Health Innovation Campus and associated drainage scheme (pursuant to the variation of condition 2 on planning permission 19/00222/FUL to include additional plans and documents to add external lighting to cycle path) for Ian Sturzaker (University And Scotforth Rural Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00797/FUL	Stainderber Farm, Woodman Lane, Ireby Erection of an agricultural workers dwelling and installation of drainage infrastructure for Mark Fawcett (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00811/FUL	29 Broadlands Drive, Bolton Le Sands, Carnforth Erection of a single storey side extension and a single storey rear extension for Mr And Mrs A Hunter (Bolton And Slyne Ward 2015 Ward)	Application Refused
21/00812/VCN	Barnfield Farm, Tunstall Road, Tunstall Change of use of agricultural land to residential land and conversion of existing attached barn to additional living accommodation, both in association with Barnfield Farm, alterations to windows and doors, installation of a window, installation of a package treatment plant, reduction in height of boundary wall and relocation of biomass boiler and associated pellet store (pursuant to the variation of condition 2 and 6 on planning permission 20/00849/FUL to amend the approved plans and omission of the lowering of the boundary wall to the south access) for Mr and Mrs A Stephenson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00813/FUL	7 Wagon Road, Dolphinholme, Lancaster Demolition of existing rear extension and erection of a part two storey and part single storey rear extension for Mr C Newness (Ellel Ward 2015 Ward)	Application Refused
21/00821/FUL	Long Acre, Bazil Lane, Overton Erection of a part two storey and part single storey side and rear extension, installation of windows to the rear elevation for Andrew Jarvis (Overton Ward 2015 Ward)	Application Refused
21/00852/LB	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Listed building application for the installation of new internal doors for Ripley St Thomas (Scotforth West Ward 2015 Ward)	Application Refused
21/00866/FUL	Cantsfield Grange, Cantsfield Road, Cantsfield Erection of a single storey link extension, including alterations to land levels for Mr Adrian Cresswell (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00882/FUL	18 The Coppice, Morecambe, Lancashire Erection of a single storey rear extension for Mr.&Mrs. P. O'Beirne (Bare Ward 2015 Ward)	Application Permitted
21/00883/FUL	11 Elms Drive, Morecambe, Lancashire Demolition of existing conservatory and erection of a replacement single storey rear extension for Mr.&Mrs. G. Johnstone (Bare Ward 2015 Ward)	Application Permitted
21/00889/FUL	Land To The Rear Of , 52 Middleton Road, Heysham Erection of a single storey detached dwelling for Mr Jasdev Thind (Heysham South Ward 2015 Ward)	Application Permitted
21/00901/FUL	Ivy Bank, Lindeth Road, Silverdale Erection of two storey side extension and single storey extensions to side and rear for Mr & Mrs Starrs (Silverdale Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00916/FUL	4 Craiglands Court, Aldcliffe, Lancaster Erection of a first floor side and rear extension over existing double garage and erection of single storey rear extension for Mr. A. Formosa (Scotforth West Ward 2015 Ward)	Application Permitted
21/00917/FUL	1 Percy Road, Lancaster, Lancashire Erection of a single storey rear extension and construction of dormer extensions to the front and rear elevations for Mr. N. Bird (Scotforth West Ward 2015 Ward)	Application Withdrawn
21/00936/CU	4 South Road, Lancaster, Lancashire Retrospective application for the change of use of dwelling (C3) to house in multiple occupation for 8 persons (sui generis) for Mrs Brenda Darlington (Scotforth West Ward 2015 Ward)	Application Refused
21/00943/FUL	Land Off, Ashton Road, Lancaster Siting of a marketing suite and construction of a car park for a temporary period of up to 5 years for Rachel Wilkinson (Scotforth West Ward 2015 Ward)	Application Refused
21/00946/LB	Lancaster Railway Station, Westbourne Road, Lancaster Listed building application for works to Platform 3 buildings, including the installation of three flueless gas stoves, new plaster ceilings, raised floor, fixed internal seating, exposed beer cellar with new lining to walls including waterproof wet room panels and glazed wall, installation of four external ventilation grilles, four air conditioning units, one cooling condenser, installation of uplights/downlights, external lighting, creation of outdoor seating area, installation of planters and subdivision of existing bin store to form bin and LPG Gas store with installation of gate and the fitting of one totem sign, one hanging sign, one projecting sign and one wall mounted sign for Lancaster Brewery (Castle Ward 2015 Ward)	Application Refused
21/00949/FUL	14 Sylvester Street, Lancaster, Lancashire Removal of rear garden gates and installation of replacement gate and stone wall for Wheelan (Castle Ward 2015 Ward)	Application Permitted
21/00952/FUL	1 Fenham Carr Lane, Lancaster, Lancashire Erection of a single storey rear and side extension for Mrs. D. Johnston (John O'Gaunt Ward 2015 Ward)	Application Refused
21/00973/FUL	Swarthbeck Barn, Capernwray Road, Capernwray Change of use of agricultural land to garden in association with Swarthbeck Barn and erection of single storey storage building for Mr Richard Gee (Kellet Ward 2015 Ward)	Application Permitted
21/00984/FUL	16 Hest Bank Lane, Hest Bank, Lancaster Upward extension to form first floor living space, erection of a two storey side extension, construction of porch to rear, construction of a raised patio area to the side and rear elevations and relocation and widening of existing vehicular access for Mr Stuart Errington (Bolton And Slyne Ward 2015 Ward)	Application Refused
21/00990/FUL	Field Number 4266, Kirkby Lonsdale Road, Over Kellet Creation of a new access point and track and erection of a gate and timber fence for Mrs Nadene Butler (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00999/FUL	2 Aysgarth Drive, Lancaster, Lancashire Erection of a replacement front porch, construction of three dormer extensions to the front elevation, demolition of side porch, and erection of a single storey rear extension for Mr.&Mrs. D. Lesnik (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/01000/PLDC	32 Lymm Avenue, Lancaster, Lancashire Proposed lawful development certificate for erection of single storey side extension to form garage for Mrs. Creevy (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
21/01006/FUL	Berkeley Court, Middleton Road, Heysham Replacement of timber windows with uPVC windows on all elevations for Derek Edwards (Heysham South Ward 2015 Ward)	Application Permitted
21/01019/FUL	14 Hanging Green Lane, Hest Bank, Lancaster Retrospective application for the erection of a detached outbuilding in the rear garden for Mr Michael Smith (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/01021/FUL	21 Jackson Close, Lancaster, Lancashire Replacement of existing flat roof with pitched roof for Mr & Mrs Bob Mudd (Marsh Ward 2015 Ward)	Application Permitted
21/01024/FUL	136 High Road, Halton, Lancaster Erection of a two storey side extension and erection of a single storey rear extension for Mr Marcin Tkaczyk (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
21/01025/FUL	Barrow Greaves Farm, Barrow Greaves, Ellel Construction of roof over existing open midden for Mr Bill Rhodes (Ellel Ward 2015 Ward)	Application Permitted
21/01030/FUL	Barrow Greaves Farm, Barrow Greaves, Ellel Construction of a roof over existing open slurry tank and yard area for Mr Bill Rhodes (Ellel Ward 2015 Ward)	Application Permitted
21/01032/FUL	18 The Row, Silverdale, Carnforth Erection of a porch to the front elevation and erection of a single storey outbuilding to the side elevation for Mr Andrew Burgess (Silverdale Ward 2015 Ward)	Application Permitted
21/01043/FUL	Tarnwater House, Tarnwater Lane, Ashton With Stodday Erection of a single storey side extension and erection of outbuilding to create ancillary accommodation in association with Tarnwater House for Mr and Mrs Mark Willman (Ellel Ward 2015 Ward)	Application Permitted
21/01053/FUL	Stirzakers Farm, Saltoake Road, Bay Horse Change of use of 5-person house in multiple occupation (C4) to 9-person house in multiple occupation (Sui Generis) for Mr K Drinkwater (Ellel Ward 2015 Ward)	Application Refused
21/01054/FUL	Middle Crag Farm, Starbank, Dolphinhholme Change of use of dwellinghouse (C3) to HMO for 9 occupants (Sui Generis) for Mr K Drinkwater (Ellel Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

21/01055/FUL	50 - 52 Penny Street, Lancaster, Lancashire Change of use of retail storage (Use Class E) to first and attic floors into a 6-bed house in multiple occupation including construction of two dormer extensions and one rooflight to the rear elevation, erection of single storey rear extension and canopy, construction of bin and cycle storage and fence to the rear, construction of external staircase to N elevation to create first floor access for Mr Patel (Castle Ward 2015 Ward)	Application Refused
21/01059/FUL	16 Castle Park, Lancaster, Lancashire Insertion of new windows and door and installation of wooden cladding to existing rear extension and creation of additional patio area for Oglethorpe, Sturton & Gillibrand So (Castle Ward 2015 Ward)	Application Permitted
21/01060/LB	16 Castle Park, Lancaster, Lancashire Listed building consent application for the insertion of new windows and door and installation of wooden cladding to existing rear extension, removal of part of an internal wall and construction of new internal partition wall for Oglethorpe, Sturton & Gillibrand So (Castle Ward 2015 Ward)	Application Permitted
21/01068/FUL	50 Morecambe Road, Lancaster, Lancashire Erection of a single storey front and side extension for Mr. J. Archer (Skerton West Ward 2015 Ward)	Application Permitted
21/01070/FUL	Coach House To Rear Of Mansergh House, Borwick Lane, Borwick Change of use of coach house to ancillary dwellinghouse (C3) in association with Mansergh House, alterations to windows and doors, installation of solar panels to the west elevation for Howson (Kellet Ward 2015 Ward)	Application Permitted
21/01078/PLDC	227 Bowerham Road, Lancaster, Lancashire Proposed lawful development certificate for the conversion of garage into habitable room for Mr & Mrs Steve Arbon (John O'Gaunt Ward 2015 Ward)	Application Withdrawn
21/01089/FUL	Old Waterslack Farmhouse, Waterslack Road, Silverdale Change of use of agricultural land to create extension to existing caravan site to site 2 additional timber lodges, alterations to existing site to include replacement of 4 existing static caravans with timber lodges with associated parking, hardstanding, landscaping and soakaway drainage system, installation of electric vehicle charging points and erection of a bin store for Mr Brian Hevey (Silverdale Ward 2015 Ward)	Application Refused
21/01092/FUL	Green Farm, Mewith Lane, Tatham Erection of single storey store building and plant room to existing detached building on ancillary garden area for Mr M Harrison (Lower Lune Valley Ward 2015 Ward)	Application Permitted
21/01094/FUL	Lower Burrow House, Tarnwater Lane, Ashton With Stodday Conversion of garage into habitable room and erection of outbuilding to create ancillary accommodation in association with Lower Burrow House for MRS SARAH DHILLON (University And Scotforth Rural Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/01096/FUL	101 Broadway, Morecambe, Lancashire Erection of single storey side and rear extension and construction of raised decking area to the rear with canopy above for Mr and Mrs Jamie and Natalie Johnstone (Bare Ward 2015 Ward)	Application Permitted
21/01103/FUL	Morecambe Bay Academy, Dallam Avenue, Morecambe Erection of single storey plant room for Mr Andrew McKinnell (Poulton Ward 2015 Ward)	Application Permitted
21/01119/FUL	41 Greenwood Crescent, Bolton Le Sands, Carnforth Construction of raised patio area with balcony and external steps to the rear, removal of existing external stairs and extension to the existing balcony to front, extensions to existing dormers at the front and rear elevations, and insertion of rooflights to the front and rear for Mr and Mrs Barnfield (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/01127/ELDC	53 West End Road, Morecambe, Lancashire Existing lawful development certificate for use as a hotel (C1) for Higher End Construction Limited (Harbour Ward 2015 Ward)	Lawful Development Certificate Granted
21/01130/FUL	Glendare, Hillcrest Avenue, Bolton Le Sands Conversion of garage to additional living accommodation, construction of a replacement roof over existing side extension, a balcony and external staircase to the rear elevation for Mr John Wignall (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/01147/LB	Green Bank House, Abbeystead Road, Abbeystead Listed building consent for the relocation of an exterior door and the replacement of a window with sliding doors for Mr & Mrs Bedford (Ellel Ward 2015 Ward)	Application Permitted
21/01154/FUL	Balshaw Barn, Balshaw Road, Lowgill Change of use and conversion of barn to holiday cottage (C3), installation of a septic tank and creation of a parking area for F&K Estate C/o BH Sporting Ltd (Lower Lune Valley Ward 2015 Ward)	Application Refused
21/01157/FUL	12 Kevin Grove, Overton, Morecambe Demolition of existing single storey rear extension and erection of a replacement single storey rear extension, construction of a raised patio area, and erection of two storey side extension with balcony to rear for Christian & Cych (Overton Ward 2015 Ward)	Application Permitted
21/01161/FUL	21 Littledale Road, Brookhouse, Lancaster Construction of a dormer extension to the front elevation for Mr Wayne Akinson (Lower Lune Valley Ward 2015 Ward)	Application Permitted
21/01165/ADV	9 Market Street, Lancaster, Lancashire Advertisement application for the display of an externally illuminated fascia sign, an externally illuminated hanging sign and an internally illuminated menu board sign for Mr Hux Norman (Castle Ward 2015 Ward)	Application Permitted
21/01170/FUL	10 Slip Inn Lane, Lancaster, Lancashire Change of use of a gym (class E) to public house (Sui Generis) for Dr Gruffydd Morris (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/01172/FUL	50 Main Road, Nether Kellet, Carnforth Construction of a raised roof to detached garage and installation of stone facing over existing garage walls for Mr Mark Jackson (Kellet Ward 2015 Ward)	Application Permitted
21/01175/FUL	30-32 Claremont Road, Morecambe, Lancashire Change of use of nursery (E) and flat (C3) to mixed use unit comprising of office/meeting/cafe and recreational unit at ground floor (E) with 2 2-bed supported housing maisonette flats above (C3b) and erection of fence above existing boundary wall for Malone (Harbour Ward 2015 Ward)	Application Permitted
21/01177/FUL	250 Willow Lane, Lancaster, Lancashire Retrospective application for the erection of boundary fence and gates for Mr & Mrs M Hutchinson-Lyons (Marsh Ward 2015 Ward)	Application Refused
21/01180/FUL	39 Ellis Drive, Morecambe, Lancashire Demolition of existing garage and conservatory and erection of a single storey rear extension for Mr and Mrs Paul Whittaker (Bare Ward 2015 Ward)	Application Permitted
21/01181/LB	Leighton Hall, Leighton Park, Leighton Listed building application for the demolition of existing covered storage areas and shed and erection of a single storey extension to the eastern elevation, creation of new opening in adjoining wall, replacement of the timber frame to existing conservatory and installation of under floor heating, installation of timber doors to enclose loggia, removal of steps and construction of ramps for Lucy Arthurs (Warton Ward 2015 Ward)	Application Permitted
21/01195/FUL	Beech Mount, North Road, Carnforth Erection of a single storey side and rear extension for Mr. M. Howard (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
21/01197/FUL	The Old Vicarage Retirement Home, 56 Main Street, Hornby Change of use of a residential institution (C2) to a dwelling house (C3) for Mr Christopher Graham Keeler (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/01198/FUL	Ward 8, Royal Lancaster Infirmary, Ashton Road Demolition of existing lean to, erection of a first floor extension to flat roof to form plant deck and room, construction of 2 external staircases, installation of a replacement curtain wall, a new entrance door and installation of a replacement ramp to the north entrance for Mark Hampton (Scotforth West Ward 2015 Ward)	Application Permitted
21/01199/LB	Ward 8, Royal Lancaster Infirmary, Ashton Road Listed building application for the demolition of existing lean to, removal of cladding and erection of a first floor extension to flat roof to form plant deck and room, construction of 2 external staircases, installation of a replacement curtain wall, a new entrance door, installation of a replacement ramp and removal of internal partition walls for Mark Hampton (Scotforth West Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/01204/FUL	Lancashire Fire And Rescue Service, Fire Station, Bye-pass Road Demolition of existing fire station training tower and construction of new training tower for Clare Hedingham (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/01209/FUL	5 Hunters Gate, Lancaster, Lancashire Demolition of existing car port to the side elevation, erection of a two storey side extension including installation of a balustrade to the north east elevation, and a first floor extension over existing garage for Mr and Mrs Hammond (Scotforth West Ward 2015 Ward)	Application Refused
21/01211/FUL	18 Longlands Lane, Heysham, Morecambe Change of use of part of existing outbuilding to a dog grooming salon (Sui Generis) for Mr Declan White (Heysham Central Ward 2015 Ward)	Application Permitted
21/01217/FUL	4 Lime Avenue, Galgate, Lancaster Demolition of existing garages, erection of a part two storey and part single storey side and rear extension for Mr Gary Johnson (Ellel Ward 2015 Ward)	Application Permitted
21/01219/FUL	Green Bank House, Abbeystead Road, Abbeystead Erection of outbuilding to create ancillary accommodation in association with Green Bank House for Mr & Mrs Bedford (Ellel Ward 2015 Ward)	Application Permitted
21/01220/FUL	43 Bellfield Road, Morecambe, Lancashire Installation of an external disabled access step lift to the front elevation with associated external door for Mr and Mrs Davies (Poulton Ward 2015 Ward)	Application Permitted
21/01221/FUL	William Hill, 36 Euston Road, Morecambe Change of use of a betting office (Sui Generis) to a nail and beauty salon (Sui Generis) for Mr Nong Trien Phu (Poulton Ward 2015 Ward)	Application Permitted
21/01222/FUL	57 Twemlow Parade, Heysham, Morecambe Retrospective application for the construction of raised decking area with balustrade and external steps to the rear for Mr & Mrs Marshall (Heysham Central Ward 2015 Ward)	Application Permitted
21/01228/FUL	The Dairy, Town End Farm, Low Road Erection of a detached garden store for Mr Matthew Mitchell (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
21/01229/FUL	5 Prospect Drive, Hest Bank, Lancaster Erection of single storey rear extension for Mr & Mrs Collins (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/01233/LB	Flat, 24 Sun Street, Lancaster Listed building application for works to internal partition walls and installation of replacement partition wall for Mr Richard Braithwaite (Castle Ward 2015 Ward)	Application Refused
21/01238/LB	The Old Vicarage Retirement Home, 56 Main Street, Hornby Listed building application for change of use of a residential institution (C2) to a dwelling house (C3), including internal alterations, removal of calling systems, stair lift, emergency lighting and commercial appliances for Mr Christopher Graham Keeler (Upper Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/01239/PLDC	75 Ingleton Drive, Lancaster, Lancashire Proposed lawful development certificate for the erection of a dormer extension to the rear for Mr. M. Gould (Scotforth East Ward 2015 Ward)	Lawful Development Certificate Granted
21/01249/FUL	18 Hest Bank Lane, Hest Bank, Lancaster Erection of single storey side extension and construction of pitched roof to existing garage for Mr Ian Mitchell (Bolton And Slyne Ward 2015 Ward)	Application Permitted
21/01253/FUL	Leighton Hall, Leighton Park, Leighton Demolition of existing covered storage areas and shed and erection of a single storey extension to the eastern elevation, replacement of the timber frame to existing conservatory, installation of timber doors to enclose loggia, removal of steps and construction of ramps and installation of septic tank for Lucy Arthurs (Warton Ward 2015 Ward)	Application Permitted
21/01270/LB	St Thomas Centre, Marton Street, Lancaster Listed building application for a covered canopy to connect the former choir vestry of the church and the proposed replacement Church Centre building, alterations to the former choir vestry including the removal of an existing timber door and replacement with timber-framed glazed door and the removal of arched windows to the south elevation and replacement with fire escape door, installation of new security gates and fencing adjoining the Penny Street, Marton Street and Peter Street elevations, and alterations to the boundary wall to Victoria Place including the addition of a wrought iron railings for Mr Tim Parsons (Castle Ward 2015 Ward)	Application Permitted
21/01271/FUL	14 Longlands Road, Lancaster, Lancashire Erection of single storey extension to side elevation for Mrs Jones (Skerton West Ward 2015 Ward)	Application Permitted
21/01272/PAM	Public Footpath Adjacent Beaumont College, Lancaster Road, Slyne Prior approval for installation of 15m monopole with cabinets and associated work for CK Hutchison Networks (UK) Ltd (Bolton And Slyne Ward 2015 Ward)	Prior Approval Refused
21/01279/FUL	8 St Patricks Walk, Heysham, Morecambe Demolition of existing side and rear extensions, erection of a single storey rear extension and part two storey, part single storey side and front extension, and installation of new window to the rear elevation for Mr Miles Manley (Heysham Central Ward 2015 Ward)	Application Refused
21/01289/FUL	6 Newby Drive, Lancaster, Lancashire Erection of single storey and two storey rear extensions for Mrs N Evans (Skerton East Ward 2015 Ward)	Application Permitted
21/01291/FUL	58 Quernmore Road, Caton, Lancaster Erection of single storey rear extension and erection of first floor front extension for Mr & Mrs Andrew & Carol Curwen (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/01296/FUL	University Hospitals Of Morecambe Bay NHS Foundation Trust, Southfield, Royal Lancaster Infirmary Installation of an air handling unit and associated ducts to the rear of the building for Mr Ian Ferguson (Scotforth West Ward 2015 Ward)	Application Permitted
21/01297/PLDC	6 Arrow Lane, Halton, Lancaster Proposed Lawful Development Certificate for a loft conversion and installation of rooflights to the front elevation for Danielle Frazer (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Granted
21/01300/PAD	Parkside Farm, Woodman Lane, Cowan Bridge Prior Approval for the demolition of four agricultural buildings, bull-pen building, storage containers and two silo structures for Mr & Mrs J & K Warburton (Upper Lune Valley Ward 2015 Ward)	Prior Approval Granted
21/01306/PAA	Parkside Farm, Woodman Lane, Cowan Bridge Prior approval for the change of use of 4 agricultural buildings to 5 dwellings (C3) for Mr And Mrs Warburton (Upper Lune Valley Ward 2015 Ward)	Prior Approval Granted
21/01308/FUL	1 Stirling Road, Lancaster, Lancashire Change of use of laundrette (Sui-Generis) to a retail shop (Class E), erection of a boundary wall and installation of a new entrance door for Mr Safiq Master (John O'Gaunt Ward 2015 Ward)	Application Permitted
21/01327/FUL	26 Spruce Avenue, Lancaster, Lancashire Erection of a single storey rear extension and erection of a pergola to the rear for Mr David Squire (Scotforth West Ward 2015 Ward)	Application Permitted
21/01329/FUL	37 Robin Crescent, Heysham, Morecambe Erection of a single storey side and rear extension and erection of single storey side extension to existing garage for Mr. R. Standen (Heysham South Ward 2015 Ward)	Application Permitted
21/01338/ELDC	22 Vincent Street, Lancaster, Lancashire Existing lawful development application for use as house in multiple occupation (C4) for Mr Sachin Deshpande (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted
21/01346/FUL	53 Africa Drive, Lancaster, Lancashire Erection of a single storey rear extension and erection of a shed and a covered area to the side elevations for Mr. P. Clough (Marsh Ward 2015 Ward)	Application Permitted
21/01354/NMA	69 Coulston Road, Lancaster, Lancashire Non material amendment to planning permission 21/00226/FUL to reduce footprint of extension and some changes to fenestration for Mr & Mrs Harding (John O'Gaunt Ward 2015 Ward)	Application Permitted
21/01357/VCN	7 - 17 Market Street, Lancaster, Lancashire Subdivision and change of use of existing retail unit (A1) into 3 restaurant/cafe units (A3) at ground floor level and 1 retail unit (A1) at ground and first floor level, creation of a bin store to the rear and installation of ventilation, plant and servicing equipment to the roof (pursuant to the variation of condition 7 on approved application 19/01405/FUL to extend the approved opening hours) for Loungers UK Limited (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/01379/EIR	Kidds Transport Limited, Caton Road, Lancaster Screening opinion for the installation of a 25MW battery storage facility with ancillary development for Mr Mark Dickinson (Lower Lune Valley Ward 2015 Ward)	Closed
21/01389/PLDC	167 Torrisholme Road, Lancaster, Lancashire Proposed lawful development certificate for the construction of a hip to gable roof extension, erection of a rear dormer extension and installation of two rooflights to the front elevation and a window to the side elevation for Mr & Mrs C Mahood (Skerton West Ward 2015 Ward)	Application Withdrawn
21/01393/PLDC	17 Cyprus Road, Heysham, Morecambe Proposed lawful development certificate for erection of single storey rear extension for Mr & Mrs G Owens (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
21/01394/PLDC	42 Camborne Avenue, Carnforth, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr & Mrs K Cottam (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
21/01400/AD	Land To The East Of Jeremy Lane And South Of The Canal, Glasson Dock, Lancashire Agricultural determination for erection of storage building for Mrs Beverly Morgan (Ellel Ward 2015 Ward)	Prior Approval Refused
21/01402/NMA	Development Land, Bold Street, Heysham Non material amendment to planning permission 20/00668/FUL to amend ground floor plan to change the development to 20 two bed apartments and 22 one bed apartments for Mr James Litherland (Heysham North Ward 2015 Ward)	Application Permitted
21/01427/EIR	Old Waterslack Farmhouse, Waterslack Road, Silverdale Change of use of agricultural land to create extension to existing caravan site to site 2 additional timber lodges, alterations to existing site to include replacement of 4 existing static caravans with timber lodges with associated parking, hardstanding, landscaping and soakaway drainage system, installation of electric vehicle charging point and erection of a bin store for Mr Brian Hevey (Silverdale Ward 2015 Ward)	Closed
21/01428/EIR	Scar Close, Crag Road, Warton Change of use and conversion of three stone field shelters to glamping bothies (sui generis) and installation of an associated package treatment plant for Anne Carroll (Warton Ward 2015 Ward)	Closed
21/01429/EIR	Land East Of 61 Stankelt Road, Silverdale, Carnforth Demolition of existing garage and erection of a detached dwelling (C3) with associated driveway and landscaping, erection of a garden shed, and installation of drainage infrastructure for Ripley (Silverdale Ward 2015 Ward)	Closed

LIST OF DELEGATED PLANNING DECISIONS

21/01443/PLDC	16 Monkswell Avenue, Bolton Le Sands, Carnforth Proposed lawful development certificate for the erection of a single storey rear extension, construction of a dormer extension to the side elevation and installation of two roof lights to the side elevation for Mr James Warwick (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
21/01450/NMA	Lancaster Music Co-op, 1 Lodge Street, Lancaster Non material amendment to planning permission 20/00253/FUL for various external alterations including some changes to windows, roof hatches, gutters, fascia boards, downpipes, pointing and render for Lancaster City Council (Bulk Ward 2015 Ward)	Application Refused
21/01451/PLDC	Glasson Grain West Quay, Bodie Hill, Glasson Dock Proposed Lawful Development Certificate for installation of one vehicular access door for Rowland Casson (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
21/01456/EIR	Yealand Hall Farm, Silverdale Road, Yealand Redmayne Screening opinion for erection of a roof structure over existing yard and enclosed midden for Mr M Holgate (Silverdale Ward 2015 Ward)	Closed
21/01458/EIR	Yealand Hall Farm, Silverdale Road, Yealand Redmayne Screening opinion for erection of agricultural building and two grain hoppers for Mr M Holgate (Silverdale Ward 2015 Ward)	Closed
21/01462/EIR	Botton Head, Whiteray Road, Tatham Screening opinion for the construction of an agricultural building for Mason-Hornby (Lower Lune Valley Ward 2015 Ward)	Closed
21/01488/AD	Greenbank Farm, Hornby Road, Claughton Agricultural determination for the extension of an agricultural lambing shed for Mr David Platts (Lower Lune Valley Ward 2015 Ward)	Prior Approval Is Required
21/01492/EIR	Botton Head, Whiteray Road, Tatham Screening opinion for construction of an agricultural building over existing midden for Mason - Hornby (Lower Lune Valley Ward 2015 Ward)	Closed
21/01501/NMA	Hill Farm, Littledale Road, Brookhouse Non-material amendment to planning permission 18/01419/FUL to install two additional roof lights to the east elevation of house 3 and to change approved cedar cladding to larch cladding to house 3 and 4 for Mr C Derbyshire (Lower Lune Valley Ward 2015 Ward)	Application Permitted