



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 18TH SEPTEMBER 2006

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

- 1 Apologies for Absence.
- 2 Minutes of the Meeting held on 21st August 2006 (previously circulated).
- 3 Items of Urgent Business authorised by the Chairman.
- 4 Declarations of Interest.

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 the proposed development has particular implications for Community Safety, this issue is fully considered within the main body of the report on that specific application.

Category A Applications

Applications to be dealt with by the District Council without formal consultation with the County Council.

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|---|------------------------|--|---------------|---------------|
| 5 | A5 06/00305/FUL | Summerfield House, White Lund Road, Morecambe | Westgate Ward | (Pages 1 - 4) |
| | | Erection of sheltered housing on land adjacent (former regency rest home site), comprising of 10 no. 2 person 1 bed flats and a 2 person guest suite for Mr R Wilson | | |
| 6 | A6 06/00861/FUL | Hargreaves Car Showroom Garages, Middlegate, Morecambe | Westgate Ward | (Pages 5 - 8) |
| | | Erection of new paint/body shop building and workshop units on land to the rear for Hargreaves Garages | | |

7	A7 06/00903/CU	Trinity Methodist Church, Marine Road West, Morecambe	Harbour Ward	(Pages 9 - 12)
		Change of use application for the conversion of Church to office space and hotel rooms with cafeteria for Mr Jan Zawaozki		
8	A8 06/00904/LB	Trinity Methodist Church, Marine Road West, Morecambe	Harbour Ward	(Pages 13 - 14)
		Listed Building application for the conversion of Church to office space and hotel rooms with cafeteria for Mr Jan Zawaozki		
9	A9 06/00970/CU	Northside Caravan Park, North Road, Carnforth	Carnforth Ward	(Pages 15 - 16)
		Change of use of land to site 9 additional caravans for Mr J McCarthy		
10	A10 06/00800/FUL	Land to the Rear of 9 Happy Mount Court, Morecambe	Bare Ward	(Pages 17 - 20)
		Erection of eight flats for the elderly on land rear of for Mr D Ashcroft		
11	A11 06/00858/FUL	Middle Highfield Farm, Aughton Road, Aughton	Halton-with-Aughton Ward	(Pages 21 - 24)
		Extension to garage unit to add home office and storage and installation of doorway to barn unit for Mr M Swindlehurst		
12	A12 06/00761/CU	Hillam Lane Farm, Hillam Lane, Cockerham	Ellel Ward	(Pages 25 - 28)
		Change of Use from agricultural land to new fishing and amenity lake for Mr C Parry		
13	A13 06/00856/FUL	24 Allandale Gardens, Lancaster, Lancashire	Castle Ward	(Pages 29 - 30)
		Retrospective application for the erection of a fence for Chris Bailey		

14	A14 06/00961/FUL	21 Allandale Gardens, Lancaster, Lancashire	Castle Ward	(Pages 31 - 32)
		Retrospective application for palisade fencing for V L Robinson		
15	A15 06/00247/CU	47 and 49 West End Road, Morecambe, Lancashire	Harbour Ward	(Pages 33 - 34)
		Change of use and conversion of house in multiple occupation to 4 no. 3 bedroom flats and 1 no. 2 bedroom flat for Adactus Housing Association		
16	A16 06/00615/FUL	Land to be known as Site 4, Penrod Way, Heysham	Heysham South Ward	(Pages 35 - 38)
		Erection of 2 blocks containing 7 light industrial units for A-M Support Services Ltd		
17	A17 06/00951/FUL	Plot 3, Site 4 Penrod Way, Heysham	Heysham South Ward	(Pages 39 - 42)
		Construction of new office, workshop and stores for Lingwood Security Management		
18	A18 06/00754/FUL	69 Twemlow Parade, Heysham, Morecambe	Heysham Central Ward	(Pages 43 - 46)
		Erection of rear extension with conservatory at first floor level for Mr and Mrs Crawshaw		
19	A19 06/01055/FUL	49 The Row, Silverdale, Carnforth	Silverdale Ward	(Pages 47 - 52)
		Erection of a shed on land opposite for Roger Heise		
20	A20 06/00906/CU	Bond Gate Farm, Abbeystead Road, Dolphinholme	Ellel Ward	(Pages 53 - 56)
		Conversion of barn and outbuildings to 4 no holiday lets, demolition of existing former farmhouse and erection of replacement dwelling for Mr and Mrs I Collinson		

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|----|-------------------------|---|----------------|-----------------|
| 21 | A21 06/00797/OUT | Booths Supermarkets, Scotland Road, Carnforth | Carnforth Ward | (Pages 57 - 60) |
| | | Outline application for the erection of an extension to existing store for E H Booth & Co | | |
| 22 | A22 06/00796/OUT | Former Norjac Service Station, Scotland Road, Carnforth | Carnforth Ward | (Pages 61 - 68) |
| | | Outline application for a mixed use development comprising A1-A5 business uses and 9 residential units for E H Booth & Co | | |
| 23 | A23 06/00798/FUL | Booths Supermarkets, Scotland Road, Carnforth | Carnforth Ward | (Pages 69 - 74) |
| | | Construction of a new traffic light controlled junction to Scotland Road, resurfacing and resetting out of public car park including new paving and landscaping and car park management measures for E H Booth & Co | | |

Category C Application

Application which involves County Matters and falls to be determined by the County Council and proposals for development by the County Council

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|----|-------------------------|--|-------------|-----------------|
| 24 | A24 06/01004/CCC | Dunald Mill Quarry, Long Dales Lane, Nether Kellet | Kellet Ward | (Pages 75 - 76) |
| | | Restoration and continued use of a batching plant and ancillary facilities for Tarmac Heavy Building Material UK Ltd | | |

Background Papers (Pages 77 - 78)

- | | | | | |
|----|---|--|--|--|
| 25 | Delegated List (Pages 79 - 86) | | | |
| 26 | Appeal Statistics September 2006 (Pages 87 - 88) | | | |
| 27 | Revised Procedure for Responding to Consultations on Planning Applications which are being determined by the County Council (Pages 89 - 92) | | | |

Report of the Head of Democratic Services

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Roger Sherlock (Chairman), Eileen Blamire, Ken Brown, Abbott Bryning, Keith Budden, Maggie Chadwick, Anne Chapman, Susie Charles, Chris Coates, Sheila Denwood, John Gilbert, Mike Greenall, Helen Helme, Jean Jones, David Kerr, Pat Quinton, Robert Redfern, Sylvia Rogerson, Joyce Taylor and Paul Woodruff

(ii) Substitute Membership

Councillors James Airey, Evelyn Archer, Evelyn Ashworth, Jon Barry, Janice Hanson, Emily Heath, Tony Johnson, Stuart Langhorn, Joyce Pritchard and Peter Robinson

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN
CHIEF EXECUTIVE
TOWN HALL,
LANCASTER LA1 1 PJ

Published on Wednesday, 6th September 2006

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DECISION DATE 3 May 2006	APPLICATION NO. 06/00305/FUL A5	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED ERECTION OF SHELTERED HOUSING ON LAND ADJACENT (FORMER REGENCY REST HOME SITE), COMPRISING OF 10 NO. 2 PERSON 1 BED FLATS AND A 2 PERSON GUEST SUITE		SITE ADDRESS SUMMERFIELD HOUSE WHITE LUND ROAD MORECAMBE LANCASHIRE LA3 3NL
APPLICANT: Mr R Wilson 390 Marine Road East Morecambe Lancashire LA4 5AU		AGENT: ArCAD UK

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Morecambe Neighbourhood Council - No objections

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - No specific proposals

STATUTORY CONSULTATIONS

Chief Engineer - Intensive use of the site, comments from County Highways needed over the increased use of White Lund Road

County Highways - Need to improve sightlines to the junction of the new access with White Lund Road and increase the footway width from the current substandard width of 1.05m to 1.8m along the full frontage of the site. (The applicants have expressed a willingness to meet these requirements and a condition is proposed to cover this).

Environmental Health Officer - No objections in principle, suggested conditions relate to hours of construction and details of extraction systems to prevent disturbance of neighbouring residents. No additional comment in respect of the amended plan.

OTHER OBSERVATIONS RECEIVED

To date five letters have been received over the revised arrangements two support the application and the others contain additional signatures from 4 additional properties also objecting to the development. Seven letters of objection were received to the original scheme with similar concerns being raised to those on the amended scheme. The main grounds for objection include: -

- Need to provide secure boundary fencing to the perimeter of the site.
- Loss of privacy to the neighbouring properties.
- Over intensive form of development.
- Massing and dominant form of development.
- Similar application refused in 2002.
- Need to restrict age of occupants to ensure abuse of the limited car parking provision.
- Possible disturbance from the new car parking area.
- Less intensive form of development could be acceptable.
- Query over boundary positions.
- Loss of light.
- Obtrusive position for the refuse storage area.
- Disturbance from alarms going off.

Three additional letters of objection have been received in respect of the further amendments, one of which represents four properties on Broughton Grove. Similar issues of concern have been raised in respect of the amended scheme to that of the original proposal with a suggestion that a site visit be undertaken to consider impact.

REPORT

This application was deferred from the committee meeting held on 21 August 2006 to enable a site inspection to be undertaken by the Planning Committee.

Site and its Surroundings

The application site is located on the northern side of White Lund Road within an area of mixed residential uses. Dwellings comprise predominantly of two storey houses and single storey bungalows with the neighbouring property being a large, two storey property known as Summerfield, a residential care home. The site originally formed part of a larger plot comprising the Regency Retirement Home, a large warehouse building and a two-storey dwelling used as wardens accommodation in association with the Regency Care Home. The current application site broadly occupies the site of the previously sited warehouse, two storey dwelling and a row of garages. The remaining part of the site comprises Summerfield residential care home and an ongoing two storey extension to the care home approved in April 2006 under consent 06/00306/FUL.

The Proposal

The current proposal seeks to erect an 'L' - shaped block of sheltered housing along the northern and eastern boundaries of the application site. The building is predominantly two storeys in height but has been reduced to a single storey building over the footprint of two sheltered units close to residential neighbours at 22 and 23 Deanpoint.

Access is gained from an upgraded arrangement onto White Lund Road with an internal courtyard formed by the building which incorporates a turning area, lawned garden and two parking spaces associated with the neighbouring residential home. Parking for the sheltered units comprises of four spaces alongside the eastern boundary of the site, located directly off the access road. An additional landscaped area is to be developed alongside the parking area.

Planning History

The application site and the neighbouring retirement home both have extensive planning histories. Applications concerning the retirement home relate to approvals to extend/modify the building over a period of twenty years. The neighbouring plot has a history relating to its previous uses. The most recent and relevant applications are: -

02/00021/CU - Conversion and extension of existing garages to form four sheltered cottages (phase 1). Recommended for refusal due to poor standard of amenity for residents, insufficient parking and over intensive. The application was withdrawn before determination at the Committee meeting in February 2002

06/00131 - Which gained consent in March 2006 for the demolition of the Regency Rest Home, warden's house, warehouse and garaging. The site has been partially cleared with only the warden's house remaining.

06/00306/FUL - Approved in April 2006 for the erection of a two storey extension to Summerfield residential home. This development is currently under construction with the main form of the building erected.

Background

This application is one of two separate proposals to develop the site formerly occupied by the Regent Rest Home, the warden's house, a two storey warehouse building and a number of single storey lock up garages. The other application, 06/00306/FUL submitted by the same applicant gained consent in April 2006 to develop a two storey extension to the neighbouring Summerfield retirement home.

This application had been the source of concern to local residents and officers and determination of the application has been delayed in order that the scheme could be amended to address Officer's concern over the massing of the development in relation to the neighbouring residential property at 23 Deanpoint. It was considered that the applications whilst related could be considered independently as they only share a joint access and it was unlikely to change as part of the discussions over the design/scale and massing of the sheltered housing scheme.

Planning Policy

The application needs to be considered in relation to Policy H17, which seeks to ensure that sheltered homes are sited in positions that are convenient to services, facilities and public transport and provide a suitable layout and external amenity space. It is considered that the site is well located within the urban area. With a regular bus route and local shops located on Westgate.

In addition to Policy H17, the relationship and impact of the development upon the neighbouring residential properties must also be considered as well as the setting of the development within the street scene.

Issues Arising

The design has been revised to maintain the overall number of units but remove a two-storey element close to the properties 22, 23 Dean Point. This section has been reduced to a single storey reducing the massing of the scheme and reflecting the position of the garages previously present on the site. The remaining units are built on a two-storey basis, again reflecting part of the previously built footprint as well as the massing. The overall distances between existing dwellings and the new building generally meet the requirements set out in SPG 12 Residential design guide.

However, in redesigning the scheme the proposal has introduced kitchen windows to the rear elevations. This design is not an issue at ground floor as it is proposed to condition a new boundary fence to ensure privacy and prevent access to neighbouring land. However, at first floor overlooking may occur in a limited number of the units which are sited behind dwellings rather than neighbouring car parking areas. Further discussions with the agent have resulted in a further revision to the scheme which introduces a hipped roof to the single storey element close to 23 Deanpoint, a revised internal arrangement to reduce overlooking with the provision of high level windows cills and obscure glazing. Furthermore, a 2.0m high fence has been introduced along the east and western boundaries to prevent overlooking from the ground floor units.

Conclusion

Overall, it is considered that the proposed development has an acceptable relationship to neighbouring residential properties and subject to appropriate conditions being attached to the development as outlined below, the application be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** with the following conditions: -

1. Standard time limit.
2. Development to be built in accordance with the approved plans.
3. Amended plans - 7 June 2006.
4. Amended plans - 14 August 2006 (Windows and Hipped roof).
5. Age restriction minimum 56 years old.
6. Visibility splays and footpath improvement to be agreed and implemented prior to occupation of the development.
7. Additional car parking to be provided and maintained.
8. Hours of construction.
9. Precise boundary details to be agreed.
10. Location and design of the refuse storage areas to be agreed.
11. Samples of the external material to be agreed.
12. Removal of PD rights.

DECISION DATE 11 October 2006	APPLICATION NO. 06/00861/FUL A6	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED ERECTION OF NEW PAINT/BODY SHOP BUILDING AND WORKSHOP UNITS ON LAND TO THE REAR		SITE ADDRESS HARGREAVES CAR SHOWROOM GARAGES MIDDLEGATE MORECAMBE LANCASHIRE LA3 3BN
APPLICANT: Hargreaves Garages Middlegate White Lund Morecambe LA3 3BN		AGENT: Thomas Associates

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Parish Council – No comments received. Awaiting response.

LAND USE ALLOCATION/DEPARTURE

Within the Employment Area of the White Lund Industrial Estate as defined in the Lancaster District Local Plan.

STATUTORY CONSULTATIONS**Chief Engineer** - No comments received. Awaiting response.**Environmental Health** – Recommends a contaminated land condition.**Neighbours** - No comments received. Awaiting response.**County Highways** - No highways objections to this application .**OTHER OBSERVATIONS RECEIVED**

Any observations received will be reported directly to Committee.

REPORT

Site and its Surroundings

The application site is located in the centre of the White Lund Estate and is set back approximately 60 metres from the main entrance to Hargreaves garages and to the south side of Courtauld Textiles Holdings Ltd. The land is located between a number of large industrial units that obscure any public view of the land and was formerly part of the Cannon Hygiene site to the west of the site which has been sub-divided into two smaller industrial units comprising a builders merchants and office accommodation. The land can be accessed via an existing access road at the northern end of the site and via the rear courtyard area of Hargreaves garages to the south west of the land. The land is currently a gravelled area with a galvanized steel fence around the boundary, it is used to park and store cars ready for servicing.

The Proposed Development

The new buildings comprise a 600 square metre 'paint and bodyshop' that will house car ramps, a paint and spray bake oven, and a compressor unit; and two 240 square metre Workshop units that will be used for storage of bodyshop panels and other motor parts.

The proposed new buildings will be constructed out of grey plastisol cladding and roof sheets and a brick wall at a height of 2400 mm that will match the existing repair, parts and maintenance showroom that is directly adjacent to the proposed new 'paint and bodyshop' and is linked via the proposed new communal reception area. The 'paint and bodyshop' will stand at a height of 8200mm which is 1400 taller than the existing repair and maintenance building to the south but considerably smaller than the industrial units bordering the site on the northern and eastern boundaries. The two workshops are 7000mm in height.

The hardcore area is to be resurfaced with tarmacadam to match the existing parking and courtyard areas of Hargreaves garages. The parking arrangements on the site have been formalised in an appropriate manner and should improve safety for vehicles using the site.

The new buildings are required as a result of Hargreaves garages attracting new business due to their being recognised as an approved garage by insurance companies for car repairs. The proposed business expansion will result in the creation of 5 additional jobs and help safeguard existing employment in car repairs and maintenance. Any noise pollution ensuing from the proposed use of the land will be of an appropriate level given that the site is on the White Lund industrial estate.

Planning Policy

The proposal has been considered in relation to the following policies in the Lancaster District Local Plan:

Policy EC5 of the Lancaster District Local Plan allocates the White Lund Estate as an appropriate area for B1, B2 and B8 uses.

Policy EC6 of the Lancaster District Local Plan requires the development to be of an appropriate use, size, and scale to its surroundings.

Conclusion

The proposed use of the site will create employment, complies with the planning policies of the Lancaster District Local Plan and is appropriate in this location. It is therefore considered that the application can be supported and recommended for approval subject to the conditions outlined below.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions:-

1. Standard 3-year condition.
2. Car parking to be provided in accordance with County standards
3. Contaminated land survey required
4. Any additional conditions as required by consultation responses.

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DECISION DATE 23 October 2006	APPLICATION NO. 06/00903/CU A7	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED CHANGE OF USE APPLICATION FOR THE CONVERSION OF CHURCH TO OFFICE SPACE AND HOTEL ROOMS WITH CAFETERIA.		SITE ADDRESS TRINITY METHODIST CHURCH MARINE ROAD WEST MORECAMBE LANCASHIRE LA3 1BU
APPLICANT: Mr Jan Zawaozki 29 Sun Street Lancaster LA1 1EW		AGENT: Holborow And Ormesher Ltd

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Within the area covered by the West End Masterplan.

STATUTORY CONSULTATIONS

County Council Highways - This is a mixed scheme involving several different uses. It is difficult to assess the likely impact in traffic terms. The scheme is entirely dependant on on-street parking in an area where demand is already high. It is undesirable that this demand should be increased, but refusal could not be justified on these grounds alone.

Environmental Health - Ask that any consent should be the subject of a construction hours condition, and draw attention to the potential for dust nuisance which would need to be properly controlled.

Strategic Housing - The site is within Area 7 as defined in the West End Masterplan. They see no objections to the cafeteria and the office space, though they note that no public or staff facilities appear to be shown specific to the cafeteria. However the hotel element does not appear to have a reception, restaurant or kitchen area and the proposal appears to be a means of creating bed sitting rooms rather than "luxury" hotel accommodation. This conflicts with the Masterplan's objectives. The scheme in its present form should be resisted.

Environment Agency - Object, because the area is within Flood Zone 2 (low to medium risk of flooding). No Flood Risk assessment has been provided with the proposal. The objection can be overcome if a satisfactory Flood Risk Assessment is prepared.

OTHER OBSERVATIONS RECEIVED

Councillor Robinson has written to indicate his objection to the proposal on the grounds that the applicant's description of the accommodation to be provided is misleading. The "luxury hotel accommodation" consists of eight rooms and the entry to the part in the tower is marked as the entrance to a flat. It should be made clear to the applicant that conversion into flats, especially one bedroom flats, is contrary to the strategic aims of the West End Masterplan.

A nearby resident indicates that she does wish to not object to the proposal, but is concerned about any increased noise, especially at night, and possible parking problems.

The owner of the Provincial Finance Company in Yorkshire Street supports the application, on the basis that the site is ideal for the purpose proposed; the building is a mess and needs to be developed as a matter of urgency.

A further letter comes from the owner of a business in West Street - he is pleased to see a proposal submitted which will retain the building, but asks how the "luxury hotel rooms" are to be operated; he does not want to see it used as a hostel for long term residents.

Any other representations received will be reported orally at Committee.

REPORT

The former Trinity Methodist Church, at the corner of Marine Road West and West Street, is now redundant. It is a Grade II Listed Building and an application for Listed Building Consent has also been submitted. The church is also an important landmark within the area, with a substantial tower at the West Street corner.

The proposal is accompanied by a structural survey prepared by a consultant. This indicates that generally the building is in good condition, though it identifies areas of dry rot and some major repairs which are needed, particularly to the roof. It notes that the existing gallery within the church, which is an important feature of the interior, is very robustly constructed.

The applicant wishes to convert the building to provide offices and what he describes as "luxury hotel accommodation". However the plans show no recognisable reception area and minimal restaurant facilities. The sleeping accommodation consists of a series of one bedroom flats, maisonettes and bedsits, each with their own small kitchen. It is evident that what is envisaged here is self catering accommodation rather than a traditional hotel. It is estimated that approximately twelve people would be employed as a result of the development but in view of this it is unclear what their roles would be.

The drawings provided show the internal layout of the accommodation but details of some of it are vague. They do not include details of the alterations to the external elevations, which would in some cases be significant. In the case of the tower on the western corner of the building this is a serious omission as the internal layout, providing a one bedroom flat on five levels, would require additional windows in what is at present a blank façade. Information is also lacking on the details of a glazed canopy proposed on the Marine Road West frontage.

The following policies in the Lancaster District Local Plan are relevant:

- E11, which indicates that development proposals within areas at risk from flooding will only be permitted where appropriate flood protection measures are in place or these can be provided without adverse impacts.
- E34, which requires that new uses for Listed Buildings should secure their future and retain their historical and architectural integrity

- T01, which states that within the Morecambe Tourism Opportunity Area new commercial development will be permitted which will enhance Morecambe as a visitor attraction; developments which would prejudice the tourism and leisure role of Morecambe Town Centre will not be permitted.

The principle of bringing the building back into beneficial use is to be welcomed but the scheme submitted does not provide an acceptable means of doing this. The information supplied on the external alterations to the building is far from complete. The insertion of additional windows in the tower - including those which would be needed to replace the louvres at the bedroom stage - has not been thought through. This is not acceptable for a proposal involving a Listed Building. It is also clear from the layout provided that the accommodation is not as the applicant claims intended to provide "luxury hotel accommodation" but small self catering living units. This is not compatible with the City Council's objectives within the West End, which seeks to "win it back" as an area for family housing. The office and conference facilities raise no policy problems, but they represent only part of the total floorspace.

The comments of the County Council as highway authority will be noted. As they point out this is an area where demand for on street parking is high. However the amount of traffic generated by the proposal has to be set against what could, at least in theory, be produced by a resumption of the authorised use as a place of worship. In the circumstances it would be difficult to justify an objection based on possible parking problems.

The objection by the Environment Agency could be overcome by the preparation of a satisfactory Flood Risk Assessment. However in view of the fundamental problems with the proposal it is appropriate to regard it as a further reason for refusal.

It is recommended that the present application should be refused, and an advice note added to the decision notice inviting the applicant to discuss the future of the building with officers of the City Council before submitting a new proposal.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** for the following reasons:

1. Contrary to policy E34 of the Lancaster District Local Plan - insufficient information provided to show that the alterations proposed will preserve the historical and architectural integrity of the building, as no details have been provided of the changes to the external elevations.
2. Contrary to policy T01 of the Lancaster District Local Plan - form of self catering accommodation proposed would prejudice rather than enhance the centre of Morecambe as a tourist destination.
3. Contrary to policy E11 of the Lancaster District Local Plan, in that the site is within an area considered to be at risk from flooding and no Flood Risk Assessment has been provided.

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DECISION DATE 23 October 2006	APPLICATION NO. 06/00904/LB A8	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED LISTED BUILDING APPLICATION FOR THE CONVERSION OF CHURCH TO OFFICE SPACE AND HOTEL ROOMS WITH CAFETERIA.		SITE ADDRESS TRINITY METHODIST CHURCH MARINE ROAD WEST MORECAMBE LANCASHIRE LA3 1BU
APPLICANT: Mr Jan Zawaozki 29 Sun Street Lancaster LA1 1EW		AGENT: Holborow And Ormesher Ltd

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Within the area covered by the West End Masterplan.

STATUTORY CONSULTATIONS

See application 06/00903.

OTHER OBSERVATIONS RECEIVED

See application 06/00903.

REPORT

This proposal is associated with application 06/00903, reported previously.

Trinity Methodist Church is a Grade II Listed Building. The listing description notes that the foundation stone of the meeting room was laid in 1883, but the main building was built in 1897 to the design of Samuel Wright. It is built of coursed squared sandstone and has slate roofs. Features of note include the tower at the corner, and the interior gallery which is of pitch pine supported on fluted cast iron columns.

The alterations proposed include the retention of the gallery but in other respects they do not appear to be compatible with the present character of the building. As noted in the previous report, the details supplied do not indicate clearly what the glass canopy on the Marine Road West frontage will look like.

Nor do they show the external alterations which would be needed to accommodate the extra windows in the tower.

Taking this into account, it is not considered that the scheme in its present form represents a satisfactory conversion.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** for the following reason:

Contrary to policy E34 of the Lancaster District Local Plan - insufficient information provided to show that the alterations proposed will preserve the historical and architectural integrity of the building, as no details have been provided of the changes to the external elevations.

DECISION DATE 27 September 2006	APPLICATION NO. 06/00970/CU A9	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED CHANGE OF USE OF LAND TO SITE 9 ADDITIONAL CARAVANS		SITE ADDRESS NORTHSIDE CARAVAN PARK NORTH ROAD CARNFORTH LANCASHIRE LA6 1AA
APPLICANT: Mr J McCarthy Castle View Sunny Bank Borwick Road Carnforth Lancs LA6 1AQ		AGENT: Saunders Boston Architects

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Carnforth Town Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Countryside.

STATUTORY CONSULTATIONS

County Council Highways - Observations awaited.

Environmental Health - No objections. A new site licence will be required if permission is granted.

OTHER OBSERVATIONS RECEIVED

None, at the time this report was drafted.

REPORT

This caravan site on the edge of Carnforth has a long history. Since acquiring it the present owner, Mr McCarthy has carried out a series of improvements including an extensive programme of planting and landscaping.

In September 2003 he obtained permission for enlargements of the site to the north and west, to accommodate a further 11 static caravans and 5 log cabins. The scheme approved at that time showed an extensive area at one end of it laid out with a pool and a "beach" area, as well as a new woodland between it and the M6 motorway.

The new caravans and chalets have been provided. The woodland has been planted, and the pool has been constructed, but the beach and the associated planted area have never been provided in the form shown on the approved plans. Instead most of the area has been covered in hardcore, with some associated tree planting, in preparation for the further nine units Mr McCarthy now wishes to substitute for the approved amenity area.

The policy in the Lancaster District Local Plan most directly relevant to the current application is TO6. This states that the small scale extension of existing caravan sites will only be permitted where:

- The proposal would result in a demonstrable improvement to on-site facilities and/or landscaping; and
- There are no adverse effects on the surrounding countryside or neighbouring properties.

The impact on the landscape of the surrounding area would be minimal. The programme of planting Mr McCarthy has carried out means that the site is very well screened from its surroundings. However the present proposal cannot be regarded as compatible with the policy as it would result in the loss of the most valuable part of the amenity area included in the 2006 application, with no compensatory provision elsewhere. It should be noted that the preparatory work referred to above is a breach of the conditions attached to the 2003 consent, which required that the work should be carried out in accordance with the approved plans.

It is therefore recommended that permission should be refused.

HUMAN RIGHTS IMPLICATIONS

Two sections of the Human Rights Act are relevant to the present application: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There do not appear to be any issues arising from the proposal which 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.

RECOMMENDATIONS

That **PERMISSION BE REFUSED** for the following reasons;

Contrary to policy TO6 of the Lancaster District Local Plan - proposal would result in the loss of a substantial part of the amenity area approved in 2003 with application 03/00884, without any compensatory provision.

DECISION DATE 22 September 2006	APPLICATION NO. 06/00800/FUL A10	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED ERECTION OF EIGHT FLATS FOR THE ELDERLY ON LAND REAR OF		SITE ADDRESS LAND TO THE REAR OF 9 HAPPY MOUNT COURT MORECAMBE LANCASHIRE LA4 6HX
APPLICANT: Mr D Ashcroft 9 Happy Mount Court Morecambe Lancashire LA4 6HX		AGENT: Thomas Associates

REASON FOR DELAY

Deferred by Committee for a site inspection.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - No observations received at the time this report was drafted.

LAND USE ALLOCATION/DEPARTURE

Within the urban area defined in the Lancaster District Local Plan - no specific proposals affecting the site.

STATUTORY CONSULTATIONS

County Council Highways - Note that the site plan indicates a tarmac surface to the access drive to Happy Mount Park. Provision of this should be made a condition of approval. Car parking spaces should be provided and retained as such.

Engineering Services - The access road to the site needs to be upgraded to serve the development. It is also the route of a public footpath. Car parking spaces will need to be provided and retained as such.

Environmental Health - Recommend a construction hours condition, and also a condition requiring a contaminated land study.

Strategic Housing - There is a very high demand for two bedroom properties for the elderly in Morecambe. This includes a demand from people who are already owner occupiers and therefore able to purchase if costs are not higher than the likely resale values of local properties. However if the case for the development is based on meeting a specific local need, there may however be a case for a local occupancy requirement so that the scheme meets the needs of Morecambe and its immediate neighbourhood rather than further afield. It would also help to keep the price of the accommodation down to an affordable level.

Leisure Services - Concerned to ensure that any development on the site does not conflict with the activities within Happy Mount Park, particularly the pool which is close to the site boundary at this point.

OTHER OBSERVATIONS RECEIVED

Six letters have been received from and on behalf of local residents, who object the proposal on the following grounds:

- Awkward access
- Parking problems, particularly for visitors to Happy Mount Park
- Overdevelopment of the site
- Potential damage to protected trees
- Threat to wildlife
- Overlooking/loss of privacy
- Loss of a green area at the back of the park
- Site is unsuitable for the form of development proposed
- Enough accommodation for elderly people in the area already
- The site would be more suitable for a pair of bungalows, as proposed previously

Councillor Barry has drawn attention to concern about the future of the protected trees on the site.

Any further representations received will be reported orally at Committee.

REPORT

This application was reported to Committee on 21 August. A decision was deferred, in order to allow Members an opportunity to visit the site in response to concerns about the relationship between the proposal and Happy Mount Park.

The site proposed for development is at present garden land at the rear of a large detached house. It adjoins the footpath from the back entrance to Happy Mount Park to Slyne, and is enclosed by a high wooden fence. Part of it contains a group of trees protected by a Tree Preservation Order, but there is an area of land in the centre large enough to accommodate a building.

The proposal involves a two storey block containing eight two bedroom flats intended as sheltered accommodation for the elderly. The materials specified are brick and render, with a tiled roof and timber windows. Ten off street parking spaces would be provided, two of which would be specifically designed to meet the needs of disabled people.

As at first submitted the application did not include the access road to the site. The plans have been amended to take this in, which required a new ownership certificate. The plans have also been modified so that all the accommodation would be accessible to wheelchair users, and to show car ports over the parking spaces. This is because they are directly under some of the protected lime trees; in summer, limes drop a sticky substance which can be very difficult to clean off cars. At the same time it will, as the architects responsible for the scheme point out, help to emphasise that the spaces concerned are private and not intended for use by visitors to the nearby park.

The policy has to be considered in relation to policy H19 of the Lancaster District Local Plan. This states that new residential development within existing housing areas will be permitted which:

- Would not result in the loss of green space or other areas of locally important open space
- Would not have a significant adverse effect on the amenities of nearby residents
- Provides a high standard of amenity
- Makes adequate provision for the disposal of sewage and waste water, and
- Makes satisfactory arrangements for access, servicing and cycle and car parking

Policy H17 deals with proposals for sheltered housing, including both new build schemes and conversions. It states that development of this type will only be permitted where the site is conveniently sited for bus services, local services and facilities.

Policy R21, which requires that new development should wherever possible make appropriate provision for people with disabilities, is also relevant.

At the same time, to meet the requirements of SPG16, the proposal has to assist with the City Council's regeneration objectives, secure the future of a historic building, or meet a specific local housing need.

The building proposed is an attractive one and it would be far enough away from adjoining houses not to give rise to any overlooking problems when seen from the backs of the houses in Mount Avenue. The land is at present enclosed so the development would not result in the loss of important green space; indeed, from a visual point of view it would open it up. It would to some extent urbanise a short length of a public footpath, but surfacing the access road from the end of Happy Mount Drive would significantly improve access to the parking spaces there. From the point of view of residents of the site, it has the special attraction of easy access to Happy Mount Park, which is likely to be a particularly welcome amenity for elderly people. Although Leisure Services have expressed concern that development of the land could conflict with activities within the park, there is no reason to believe that this would be the case.

The nearest bus routes to the site are along the sea front from Morecambe to Hest Bank, and along Bare Lane from Morecambe to Lancaster. They do not pass immediately outside the site, but they are close enough to be useful to both residents and visitors. The access requirements of policy R21 are met in full by the scheme in its final, amended form.

So far as the principles set out in SPG16 are concerned, in this case it is the local need that is the relevant consideration. Strategic Housing's comments confirm that there is a large demand for two bedroom accommodation suitable for the needs of elderly people within the Morecambe area. Their only reservation is that it might be advisable to ensure that it meets local needs rather than those of people moving into the area. However, this is not a requirement that the City Council has previously imposed on schemes of this type and it is not considered that there are any special circumstances which would justify it here. It is recommended that permission should be granted on the basis of the conditions listed below, which restrict occupation to people over 55.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Amended plans 21 July 2006.
3. Development to be carried out in accordance with the approved plans.
4. Accommodation to be occupied only by people over 55 years of age.
5. Samples of materials to be agreed.
6. Trees to be protected from damage while construction work is in progress.
7. Construction work to take place only 08:00 - 18:00 Mondays to Saturdays, with no work on Sundays or officially recognised public holidays.
8. Access road to be surfaced to the satisfaction of the local planning authority before any of the dwellings are made available for occupation.

9. Street lighting along the improved access road to be provided in accordance with details to be agreed.
10. Car parking spaces to be provided and retained as such.

ADVICE

1. Naming/numbering of dwellings to be agreed.
2. Access road adjoins a public footpath, which must not be obstructed without first obtaining an Order under the appropriate Act.

DECISION DATE 15 September 2006	APPLICATION NO. 06/00858/FUL A11	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED EXTENSION TO GARAGE UNIT TO ADD HOME OFFICE AND STORAGE AND INSTALLATION OF DOORWAY TO BARN UNIT		SITE ADDRESS MIDDLE HIGHFIELD FARM AUGHTON ROAD AUGHTON LANCASTER LANCASHIRE LA2 6PQ
APPLICANT: Mr M Swindlehurst 10 Crookhey Gardens Cockerham Lancaster LA2 092		AGENT:

REASON FOR DELAY

None.

PARISH NOTIFICATION

Halton with Aughton Parish Council - Have no objections to the proposal.

LAND USE ALLOCATION/DEPARTURE

The site lies within a Countryside Area as designated in the Lancaster District Local Plan 1996-2006. It also lies within the Forest of Bowland Area of Outstanding Natural Beauty. Middle Highfield is a Grade II listed building. A public footpath runs through the site.

STATUTORY CONSULTATIONS

Conservation Officer - Views awaited.

Ramblers' Association - Objects on the grounds that development would produce privacy problems (for applicant) and a desire to divert the adjacent footpath.

OTHER OBSERVATIONS RECEIVED

None at the time of compiling this report.

REPORT

This application has been brought before Members because the applicant's occupation necessitates a working relationship with the Officers of the Local Planning Authority.

Middle Highfield comprises a group of former agricultural buildings sited approximately 2 miles due north east of Halton and 0.9 mile due west of the hamlet of Aughton. It is accessed via a lengthy tarmaced drive from the main Halton-to-Aughton Road and occupies a lower position than the main highway.

In October 2002 the Planning Committee granted planning permission for the conversion of this collection of buildings into five dwellings and one holiday cottage (reference: 02/00580/CU).

The conversion work is ongoing and a number of minor, working amendments have previously been agreed to the fenestration on the main barn, which is marked on the site location plan as Units B1, B2 and B3.

This application concerns the most southerly unit on that barn - Unit B3. Officers have advised that in this instance these works are not sufficiently 'minor' and therefore warrant a new planning application.

The most significant alteration is the revision to the detached garage. The length of the garage is increased by 0.6m and the structure is widened by a further 2m. The height of the ridge is raised by approximately 1m to facilitate additional storage space.

The three garage units here are not conversions and are new buildings, and therefore alteration to their dimensions is considered acceptable and would not detract from the former agricultural appearance of the barn. In fact the raising of the roof and modification of the roof pitch would serve to break up the continual roofline of this new garage block. Three conservation-type velux windows will be inserted into the south west roof plane.

The other proposal seeks to replace a window on the south-east elevation of Unit B3 to a part-glazed door. This gable had a symmetrical appearance previously, which is usually avoided on barn conversions although in this case it added a degree of formality to the elevation. However the addition of the replacement door is not opposed and subject to precise details, constitutes an acceptable amendment.

The close proximity of the footpath is not in itself a reason to oppose this development. It is understood that the County Council are considering an application to divert the footpath although this does not affect the recommendation of this report.

Both alterations are considered appropriate and Members are advised that planning permission can be granted.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PLANNING PERMISSION BE GRANTED** subject to the following conditions.

1. Standard three year consent.
2. Standard condition advising that the previous conditions imposed on 2002 planning consent are still applicable (including use of the garage).
3. Details of the new door on the south west elevation of the barn.
4. Details of the conservation rooflights to the garage.
5. As required by consultees.

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DECISION DATE 16 August 2006	APPLICATION NO. 06/00761/CU A12	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED CHANGE OF USE FROM AGRICULTURAL LAND TO NEW FISHING AND AMENITY LAKE		SITE ADDRESS HILLAM LANE FARM HILLAM LANE COCKERHAM LANCASTER LANCASHIRE LA2 0DX
APPLICANT: Mr C Parry Hillam Lane Farm Hillam Lane Cockerham Lancashire LA2 0DX		AGENT: D.H.Design North West Limited

REASON FOR DELAY

Not applicable. This application was deferred from August's Planning Committee for a site visit by members.

PARISH NOTIFICATION

Views awaited.

LAND USE ALLOCATION/DEPARTURE

The site is located within countryside area as defined by the Lancaster District Local Plan 1996 - 2006.

STATUTORY CONSULTATIONS

County Highways - Sight lines of 4.5m x 120m required without the requirement to maintain hedges. Existing hedge to be replanted behind the visibility splay and existing bank to be reduced to ground level for highway safety reasons.

County Planning - Have raised a number of concerns regarding the landscaping of the scheme and the size of the lake. The proposed lake should be 2 smaller water bodies rather than 1 large one, the bunding is uncharacteristic of the landscape, the woodland should be species appropriate to the locality.

County Land Agent - Has verbally confirmed that his comments remain exactly as stated for the previous planning application (no: 05/01334/CU - change of use from agricultural land to new fishing and amenity lake - withdrawn).

English Nature - No objection.

Environment Agency - No objections on the proviso that no works are within 8 metres of the top of the bank of Hasty Beck. The applicant has confirmed in writing that this will be the case.

The Wildlife Trust - No detailed observations to make.

British Waterways - No comments.

Environmental Health Services - No objection in principle subject to conditions being placed on any approval.

OTHER OBSERVATIONS RECEIVED

No representations have been received from members of the public or other third parties. Any further representations received will be reported orally at Committee.

REPORT

Consideration of this proposal was deferred at the last Committee meeting to enable a site visit to be undertaken.

Site Background

Hillam Farm extends to approximately 223 acres of grassland at Cockerham, including 6 holiday cottages at nearby Patty's Barn Farm and land rented to the nearby Parachute Club, with a dairy enterprise involving approximately 275 cattle being carried out on site.

There are a number of stone and slate farm buildings on the site, with associated agricultural buildings in association with the cattle enterprise.

Application no: 05/01334/CU for the change of use from agricultural land to new fishing and amenity lake was withdrawn. This application has now been re-submitted further to confirmation that the clay excavated from the lake is to be retained and remodelled into the landscape on the site and not transported off the site.

The Proposed Development

The application is to provide a fishing and amenity lake on 3 acres of agricultural land, located directly to the north of the existing lake, south east of the farmstead. The lake would be used in a similar way to the existing lake, ie. low scale fishing managed by the applicant as subsidiary to the farming enterprise. The applicant intends to use the new lake for amenity purposes to generate a small income from informal fishing to compliment the existing fishing lake.

The applicant proposes to use the existing vehicular access with the approximate 20 visitors per day using parking facilities provided on site at a central point between the two lakes.

The size of the lake will be considerable, having an area of nearly twelve thousand square metres, which is greater than that of the existing lake. Clearly a development of this size will have a substantial impact on the visual character of the landscape and the main issue is therefore landscape impact in the consideration of this application.

Landscape Impact

The topography of this area of countryside is characterised by typically flat mossland areas of large intensive agricultural fields divided by straight ditches and low hedges, with low hillocks often with small woods/copses associated with them. Small field ponds are typical rather than large lakes, with the restored Cockerham Quarry Lake being unusual in the locality.

The site itself lies on the edge of flat mossland, with higher ground to the east. The land is badly drained and therefore difficult to graze, becoming flooded during heavy rainfall. It is therefore not high graded agricultural land and is to be Grade 3/4 in the Agricultural Land Classification Plan. As the land is unsuitable for grazing the loss of this area of land would not adversely impact on the viability of the farm. There would therefore be no loss of the best and most versatile agricultural land and no erosion of the viability of the farm holding, as required by adopted planning policy E6 of the Lancaster District Local Plan 1996 - 2006.

For this development to be permitted in the countryside, the fishing lake needs to be in scale and keeping with the character and natural beauty of the landscape, and appropriate to its surroundings in terms of the landscaping proposed. As the surrounding landscape is characterised by open flat mossland, excessive formal screening would create a highly noticeable, uncharacteristic and obtrusive element in the countryside that would consequently detract from the visual attractiveness of this area.

The excavation of the lake would produce approximately 27 thousand cubic meters of low quality clay that would be assimilated into land sculpting on site. In order for this to be sympathetic to the visual character of the surrounding landscape, this land sculpting needs to match the existing topography of the site.

The applicant has been contacted with a view to reducing the excessive planting and land sculpting so that it reflects the surrounding open and slightly undulating grassland that is typical of the surrounding area. However he is unwilling to make any changes to the proposal and the application therefore has to be considered by members as it stands.

The proposed lake is larger than the existing lake on the basis that there had already been substantial excavation and subsequent landscape impact produced by the previous quarrying operations. In reality small field ponds are far more typical here rather than such large single lakes, and in the light of the policy guidance given in Policy E4 which states that development will only be permitted where it is 'in keeping with the character of the landscape', a number of small ponds similar in scale to local field ponds would be far more appropriate in this location.

It has been commented on by County Planning that the bunding is also uncharacteristic of this typically flat mossland landscape, and the considerable volumes of spoil (27 thousand cubic meters) generated by the excavation of this size of pond would lead to extensive bunding around the lake to heights of up to 12 meters in places. Although some mounding would be acceptable, given the character of the landscape with its low hillocks rising from flat mosslands, the mounding needs to relate well to the surrounding landform in terms of its design, scale and gradients, which this proposal clearly does not.

Agricultural Diversification

The applicant is claiming that the fishing and amenity lake forms agricultural diversification of the site.

Both national guidance in the form of PPS7 'Sustainable Development in Rural Areas' and the Council's adopted planning policy E21 adopt a positive attitude to proposals for alternative uses for farms providing, amongst other specified criteria, that they make a positive contribution to the viability of the farm holding whilst remaining subsidiary to the main farming enterprise.

The proposed 2nd lake would not particularly enhance the economic viability of the unit as the informal fishing use on the site would generate a very small income in comparison to the cattle enterprise. The proposal would not therefore provide significant diversified income directly from the lake as it is for low key fishing, however it will compliment the income currently generated by the existing non-agricultural fishing and amenity lake, created in 2000 following the closure of the quarry that had been operating on the site.

Conclusion

It is considered that the proposal would create a feature within the landscape that was uncharacteristic and therefore seriously detrimental to the visual character of the countryside area in this particular location, given the excessive size of the fishing lake and the excessive scale and contouring of the bunding in association with the lake, due to the sheer volume of excavated spoil that the applicant seeks to assimilate into the existing landscape. The applicant has been approached with a view to negotiating alterations to the design of this proposal, however as stated in a letter received by the Council on the 21st July 2006, the applicant is not prepared to re-model the landscaping and therefore the Council is unable to support this application.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATION

That **PLANNING PERMISSION BE REFUSED** for the following reason: -

1. The proposed fishing and amenity lake would form an uncharacteristic and alien feature in this area of countryside that is characterised by flat mossland with low rising hillocks. This is due to the excessive footprint and depth of the fishing lake and the excessive scale and contouring of the bunding formed in association with the lake. The proposal would therefore be inappropriate to the surrounding landscape and out of keeping and scale with the character and natural beauty of the landscape, contrary to the requirements of Planning Policy E4 of the Lancaster District Local Plan 1996 - 2006.

DECISION DATE 20 September 2006	APPLICATION NO. 06/00856/FUL A13	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR THE ERECTION OF A FENCE		SITE ADDRESS 24 ALLANDALE GARDENS LANCASTER LANCASHIRE LA1 5JN
APPLICANT: Chris Bailey 24 Allandale Gardens Lancaster Lancashire LA1 5JN		AGENT:

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

None

LAND USE ALLOCATION/DEPARTURE

The property lies within a residential area.

STATUTORY CONSULTATIONS

County Surveyor - Although the fence impinges into pedestrian visibility slays of No 15 Cedar Road, this is considered minimal and does not form a basis for a reasonable highway objection.

OTHER OBSERVATIONS RECEIVED

One letter of support from Police Community Support Officer Cath Griffiths.

REPORT

This is a retrospective application for the erection of a fence at the rear of the property but on the frontage to the residential street known as Cedar Grove. This would normally be dealt with under delegated powers but has been brought before Committee by Councillor Anne Chapman due to the conflicting issues arising.

The property is located within a recently built residential development of twenty-two properties situated between Willow Lane and Cedar Road in the Marsh area of Lancaster. The area around is a tightly knit residential neighbourhood with older terraced houses to the east and the local authority estate to the west.

The properties are arranged around an open courtyard, which is accessed from Willow Lane. Effectively it is the front elevations of Allandale Gardens that face the courtyard, which is broken up by small grassed areas that are associated with each property. Each property has a garden space to the rear, which is bordered by a 1m high stone-faced wall.

The applicant has erected additional timber fencing around his rear garden that fronts Cedar Road. This has taken the height of the boundary to approximately 2m. The applicant states that prior to the erection of this fence she suffered numerous problems with local youths who used the garden as a short cut and a place to dump rubbish. She now feels more secure and the number of incidents involving local youths has reduced. However, it was evident during a site visit that the neighbouring Allandale Garden properties get little use of their rear amenity space, which due to the low height of the walls provides no privacy. It was also evident that other properties have suffered from vandalism and graffiti.

The Council does sympathise with the applicant, and in line with Policy R22 accepts that there is a need to deter crime and reduce the fear of crime at the applicants property. However, a more suitable form of enclosure would be preferable and this could be achieved, for example, by erecting a more visually attractive `barrier' such as black painted wrought iron railings, which would be visually attractive whilst also providing the security the applicant seeks. The use of blank timber fencing would clearly set a precedent for similar treatments that would be seriously detrimental to the street scene by virtue of its unattractive appearance. Besides this fence and that covered by the following application, there is a further unauthorised fence that is subject to an enforcement investigation.

The main policy implications relate to PPS 1, which clearly states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Whilst the Authority is aware that the fence has been erected to create a safer and more secure rear amenity space, the proposal has not been appropriately designed to fit in with the existing street scene.

In conclusion therefore, the application in its present form is visually detrimental to the street scene and on this basis Members are advised that planning permission should be resisted.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal, which appear 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.

RECOMMENDATIONS

That **PLANNING PERMISSION BE REFUSED** for the following reasons: -

1. The fencing, by reason of its height, design and prominent location, would have a substantial detrimental impact on the visual amenity of both the dwelling itself and the wider street scene in this locality. This would be contrary to the key principles of Planning Policy Statement 1 `Delivering Sustainable Development' which requires all development to improve the character and quality of an area.
2. This application, if approved, would set a clear precedent for other such similar fences in this area, making such proposals progressively more difficult to resist, thereby prejudicing the policy of the Local Planning Authority in securing the objectives of good design and well planned development.

DECISION DATE 2 October 2006	APPLICATION NO. 06/00961/FUL A14	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR PALISADE FENCING		SITE ADDRESS 21 ALLANDALE GARDENS LANCASTER LANCASHIRE LA1 5JN
APPLICANT: V L Robinson 21 Allandale Gardens Lancaster Lancashire LA1 5JN		AGENT:

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

None

LAND USE ALLOCATION/DEPARTURE

The property lies within a residential area.

STATUTORY CONSULTATIONS

Chief Engineer - No objections.

OTHER OBSERVATIONS RECEIVED

None

REPORT

This is a further retrospective application for the erection of a fence at the rear of a property on the Allandale Gardens development but this time on the frontage to Willow Lane. As with the previous application on the schedule, it has been brought before Committee by Councillor Anne Chapman due to the conflicting issues involved.

This application raises similar issues to the preceding application on the agenda (application reference 06/00856/FUL – A13) and Members are requested to note these. In this instance, the fence is even more prominent being on Willow Lane, a more significant highway frontage and the approach taken considered as inappropriate.

In conclusion therefore, the proposal is again considered to be visually detrimental to the street scene and on this basis Members are advised that planning permission should be resisted.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal, which appear 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.

RECOMMENDATIONS

That **PLANNING PERMISSION BE REFUSED** for the following reasons: -

1. The fencing, by reason of its height, design and prominent location, would have a substantial detrimental impact on the visual amenity of both the dwelling itself and the wider street scene in this locality. This would be contrary to the key principles of Planning Policy Statement 1 'Delivering Sustainable Development' which requires all development to improve the character and quality of an area.
2. This application, if approved, would set a clear precedent for other such similar fences in this area, making such proposals progressively more difficult to resist, thereby prejudicing the policy of the Local Planning Authority in securing the objectives of good design and well planned development.

DECISION DATE 19 May 2006	APPLICATION NO. 06/00247/CU A15	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED CHANGE OF USE AND CONVERSION OF HOUSE IN MULTIPLE OCCUPATION TO 4 NO. 3 BEDROOM FLATS AND 1 NO. 2 BEDROOM FLAT		SITE ADDRESS 47 AND 49 WEST END ROAD MORECAMBE LANCASHIRE LA4 4DR
APPLICANT: Adactus Housing Association Turner House 56 King Street Leigh Lancashire WN7 4LJ		AGENT: Arca

REASON FOR DELAY

Awaiting consultation replies and the outcome of negotiations about window details.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - No observations received.

LAND USE ALLOCATION/DEPARTURE

Within the West End Conservation Area, and the West End regeneration area.

STATUTORY CONSULTATIONS

Engineering Services - Observations awaited.

Strategic Housing - Support the application. This proposal has been submitted following negotiations with the applicants; the intention is to convert the block between nos 45 and 47 West End Road into spacious apartments, with an open area behind created following the clearance of some industrial units.

OTHER OBSERVATIONS RECEIVED

None.

REPORT

This is a pair of large mid terraced properties on the south side of West End Road. They have five floors, including habitable basements and attics. Both are currently vacant, but were last used as houses in multiple occupation.

The proposal submitted put forward involves demolishing both rear outriggers to provide a larger area of open space at the rear. The two properties are to be combined to provide the following:- a two bedroom flat (with in all but one case a third bedroom which could also be used a study) on each floor. The back yard would be laid out to provide a total of four off street parking spaces. The scheme also involves the construction of balconies at the rear.

The doors and windows on the front elevation have been modified so that they are consistent with the character of the existing street frontage, and with other properties in the West End Conservation Area.

Policy H21 of the Lancaster District Local Plan, which allows the conversion of large houses and hotels into flats provided that the appropriate space standards are met. The proposal has to be considered in relation to SPG16 on the release of land for residential development, and the West End Masterplan. As the site is within the West End Conservation Area policies E35, E36 and E37 of the Local Plan are also relevant. These require that the development should not adversely affect important views within and across Conservation Areas; that changes of use and associated alterations should preserve or enhance their character; and that demolition should generally only be permitted where the building concerned does not make a positive contribution to the area.

The Masterplan shows this area (no. 2) as one where the existing properties are to be remodelled. It assumes the retention of the good quality hotels and guest houses, and the conversion of the remainder to suitable residential accommodation. The proposal as now submitted has been drawn up in consultation with Strategic Housing as the first stage of this project. The frontage on to West End Road will be renovated in a way which will enhance the Conservation Area. The outriggers are of no special significance to the character of area and their removal will assist in assuring its long term future.

This scheme in its final form is to be welcomed, especially as it will open up additional space at the rear. The use of balconies is acceptable in this case as the land on the other side of the back lane is taken up with an industrial/warehouse building rather than houses facing directly towards nos. 47-49.

HUMAN RIGHTS IMPLICATIONS

Two sections of the Human Rights Act are relevant: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to be of such significance as 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.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Windows to be of transom type in accordance with details to be agreed.
4. Details of external finishes of alterations to the rear of the building to be agreed.

DECISION DATE 19 July 2006	APPLICATION NO. 06/00615/FUL A16	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED ERECTION OF 2 BLOCKS CONTAINING 7 LIGHT INDUSTRIAL UNITS		SITE ADDRESS LAND TO BE KNOWN AS SITE 4 PENROD WAY HEYSHAM PENROD WAY HEYSHAM LANCASHIRE
APPLICANT: A-M Support Services Ltd Unit 39 Lune Business Park Lancaster		AGENT: Bay Drawing Services Limited

REASON FOR DELAY

Amended plans required so that the development allows the retention of the planting at the rear of the site.

PARISH NOTIFICATION

Heysham Neighbourhood Council - No observations received.

LAND USE ALLOCATION/DEPARTURE

Existing employment uses.

STATUTORY CONSULTATIONS

County Council Highways - The new road to serve the site has already been constructed and is surrounded by a 2.5 metre wide combined footway and cycleway. It is important to disrupt this as little as possible. The car parking shown on the original version of the scheme was one over the maximum permitted (it has since been reduced) and two or three "Sheffield" cycle stands should be provided. The County Council also ask for a contribution of £25,065 for public transport improvements, secured by means of a Section 106 Agreement (see report below). Observations on the amended version of the scheme to follow.

Engineering Services - No objection in principle. Note that the number of parking spaces on the layout originally submitted was above the permitted limit. Provision needs to be made for car and motorcycle parking. Comments on amended plans to follow.

Environmental Health - A site investigation has been carried out on the site which confirmed the presence of hydrocarbons. The tanks which were the source of this contamination have been removed but it is possible that spillages from the tanks are present below the site and additional work should concentrate on their position. Gas protection measures will need to be incorporated into the design of buildings.

Economic Development - Support the proposal. The Port of Heysham Industrial Park has been brought forward through the Lancaster & Morecambe Economic Development Zone Programme to provide serviced plots, especially for expanding local businesses. The availability of such sites for sale is very limited within the District generally. A-M Support Services submitted a successful tender based on price and quality criteria, including job projections and quality criteria, and will need to bring forward the development within fixed timescales.

Health & Safety Executive - No comments to make on this proposal.

OTHER OBSERVATIONS RECEIVED

None, at the time this report was drafted.

REPORT

This site is to the north of the Port of Heysham. Outline consent for its development for industrial and warehouse use, together with details of the access road, has already been granted (application 04/00886). The road into the site has been completed and the present application is the first to be submitted for buildings on it.

The scheme involves seven industrial units suitable for occupation by small businesses, arranged in two blocks at right angles to one another. The number has been reduced from the eight originally envisaged in order to accommodate the landscaped strip at the rear (making use of the mature vegetation already there) which is an important requirement of the original outline permission.

In addition to the service area there would be a car park with 14 spaces. This represents a significant reduction from the 18 shown on the original version of the scheme. No specific provision has been made for cycle or motorcycle parking but there is ample space in which to accommodate it.

The external materials specified for the construction of the units are wet dash render and profiled steel cladding, with the colour of the cladding to be agreed by the local planning authority.

The following policies in the Lancaster District Local Plan are particularly relevant to the proposal:

- EC5, which allocates the site for employment related use
- EC6, which sets out criteria for employment related development
- EC9, which states that development which would worsen environmental conditions in South Heysham will not be permitted
- T9, which requires Green Travel Plans in support of development which would significantly increase the demand for travel
- E10, which addresses the issues associated with contaminated land.

Small units of the kind proposed are particularly useful to the economy of the area in that they are suitable as "starter" accommodation, for new businesses which initially at least will employ only a few people but have the potential to grow if they are successful.

Most of the issues involved in the development were addressed at the time of the earlier outline consent. However one of its requirements was that a Green Travel Plan should be submitted in support of each occupier. At that time it was envisaged that the site would be developed with a series of large units, each occupying a complete plot. However the small units involved here would each have a floorspace of approximately 135 sq metres. This is significantly below the "ceiling" of 235 sq metres (2,500 sq ft) below which planning permission is not required for changes of use between use classes B1 (business) and B8 (storage and distribution). Firms of this size are unlikely to employ as many as 10 people. In the circumstances it seems appropriate to waive the requirement for the form of development proposed.

It will also be noted that the County Council have suggested a financial contribution to public transport improvements, based on a section 106 agreement. The funding of such improvements in this way has not been agreed as policy by the City Council and it would be difficult to justify in relation to a site which already has a good bus service within easy walking distance. It is therefore recommended that approval should be given without a levy of this type.

This apart, the conditions below are based on those attached to the earlier planning permission.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Amended plans 2 August 2006, reducing the number of units to seven and retaining a planted screen at the rear of the site and reducing the number of parking spaces to 14.
3. Development to be carried out in accordance with the approved plans.
4. Details of materials to be agreed.
5. Landscaping scheme to be agreed and implemented.
6. Contaminated land study to be undertaken.
7. Drainage details to be agreed.
8. Cycle and motorcycle parking to be provided.
9. Premises to be open for business only between the hours of 08:00 and 18:00 Mondays to Saturdays - not on Sundays or officially recognised public holidays without the prior approval in writing of the local planning authority.
10. Insulation scheme for buildings to be agreed.
11. No overnight parking of lorries running refrigeration or charging units.
12. Construction work to take place only 08:00 - 18:00 Mondays to Saturdays.
13. No materials or equipment to be stored outside the buildings.

ADVICE

1. Naming/numbering of industrial units to be agreed.
2. In preparing landscaping scheme for the rear of the site areas of gorse should be retained where practicable.
3. In respect of condition 10 the developer is recommended to seek advice from an acoustic specialist.
4. Developer should contact the Environmental Health Service about contaminated land issues.
5. Construction of the access on to Penrod Way should provide ramped access points for the combined pedestrian/cycle path.

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DECISION DATE 27 September 2006	APPLICATION NO. 06/00951/FUL A17	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED CONSTRUCTION OF NEW OFFICE, WORKSHOP AND STORES		SITE ADDRESS PLOT 3 SITE 4 PENROD WAY HEYSHAM LANCASHIRE
APPLICANT: Lingwood Security Management Unit 2, Middleton Business Park Middleton Road Heysham LA3 3PW		AGENT: Irvine Taylor

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Heysham Neighbourhood Council - No observations received at the time this report was drafted.

LAND USE ALLOCATION/DEPARTURE

Existing employment area.

STATUTORY CONSULTATIONS

County Council Highways - Conditions should be attached to any consent requiring the provision of cycle storage and the retention of parking and loading facilities.

Environmental Health - Observations awaited.

Economic Development - Support the proposal. Lingwood Security submitted a successful tender for the site based on price and quality criteria and will need to bring forward the development within fixed timescales.

Health & Safety Executive - Observations awaited.

OTHER OBSERVATIONS RECEIVED

None, at the time this report was drafted.

REPORT

This proposal involves the site adjoining plot 4, an application for which was reported previously (no. 06/00616). In this case the building proposed is intended for occupation by a single occupier, on the lines envisaged at the time of the original outline consent.

The external materials specified are white steel profile cladding with rendered blockwork for the lower part of the building. The plans originally submitted have been amended to show a simpler roof structure; this will increase the overall height of the building, but does not alter its footprint on the site. There would be a small car park at the front of the site. The layout allows for the retention of the mature hawthorn and gorse at the rear.

As with the adjoining site, the following policies in the Lancaster District Local Plan are particularly relevant:

- EC5, which allocates the site for employment related use
- EC6, which sets out criteria for employment related development
- EC9, which states that development which would worsen environmental conditions in South Heysham will not be permitted
- T9, which requires Green Travel Plans in support of development which would significantly increase the demand for travel
- E10, which addresses the issues associated with contaminated land.

The principle of this development is consistent with that of the original outline consent. So far as the "Green Travel Plan" requirement is concerned, there is some ambiguity about the number of people to be based at the site. Discussions with the City Council's Economic Development Service suggested that the proposal could result in the creation or transfer of as many as 90 jobs but the forms accompanying the application state that just six people would be based on the site. This is very low for a building of 850 sq metres and the applicants' agents have been asked to clarify the position. Their response will be reported orally at committee. It appears from informal discussions that the discrepancy may have arisen because many of the people concerned would be based at the premises, but would spend much of their time elsewhere.

Not all the consultation replies associated with this proposal were available at the time the report was drafted. However, the conditions below are based on those attached to the original outline consent,

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Amended plans 24 August showing amended elevations.
3. Development to be carried out in accordance with the approved plans.
4. Details of materials to be agreed.
5. Landscaping scheme to be agreed and implemented.
6. Contaminated land study to be undertaken.
7. Drainage details to be agreed.
8. Parking and loading facilities to be provided and retained as such.

9. Cycle and motorcycle parking to be provided.
10. Premises to be open for business only between the hours of 08:00 and 18:00 Mondays to Saturdays - not on Sundays or officially recognised public holidays without the prior approval in writing of the local planning authority.
11. Insulation scheme for buildings to be agreed.
12. No overnight parking of lorries running refrigeration or charging units.
13. Construction work to take place only 08:00 - 18:00 Mondays to Saturdays.
14. No materials or equipment to be stored outside the buildings.
15. Business Travel Plan to be agreed before the premises are occupied.

ADVICE

1. Naming/numbering of industrial unit to be agreed.
2. In preparing landscaping scheme for the rear of the site areas of gorse should be retained where practicable.
3. In respect of condition 11 the developer is recommended to seek advice from an acoustic specialist.
4. Developer should contact the Environmental Health Service about contaminated land issues.
5. Construction of the access on to Penrod Way should provide ramped access points for the combined pedestrian/cycle path.

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DECISION DATE 22 September 2006	APPLICATION NO. 06/00754/FUL A18	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED ERECTION OF REAR EXTENSION WITH CONSERVATORY AT FIRST FLOOR LEVEL		SITE ADDRESS 69 TWEMLOW PARADE HEYSHAM MORECAMBE LANCASHIRE LA3 2AL
APPLICANT: Mr And Mrs Crawshaw 69 Twemlow Parade Heysham Morecambe Lancashire LA3 2AL		AGENT: Chris Sinkinson

REASON FOR DELAY

N/A

PARISH NOTIFICATION

None to date - Any comments will be reported to Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - No specific proposals.

STATUTORY CONSULTATIONS

N/A

OTHER OBSERVATIONS RECEIVED

To date five letters of objection have been received from neighbouring residents. Concerns include the following grounds: -

- The development will impact not only the immediate neighbours but also have a wider impact.
- The development will overlook neighbouring property and land.
- The scale of the development is overly dominant.
- Loss of view.
- Detrimental to the amenity of the area when viewed from Heysham Promenade.
- Overly large and out of keeping with the dwelling.
- No need for the development.
- Set a precedent for similar large rear extensions.
- Proximity to the joint neighbouring boundary.

REPORT

This form of development would normally be dealt with via the delegation scheme however, following concerns from local residents, a request has been made by local ward councillors for the application to be determined by the Planning Committee.

Site and its Surroundings

The application site is located at the southern end of Twemlow Parade, Heysham. The site fronts Twemlow Parade with the rear of the property facing open land (formerly a putting green) designated as outdoor playing space within the Lancaster District Local Plan via a substantial rear garden. The property is a semi-detached chalet style bungalow which has an additional lower ground floor to the rear elevation as the ground level to the rear falls away.

The Proposal

As originally submitted the proposal sought to develop a rear conservatory at ground floor level in relation to the main building. However, given the difference in garden level to the rear of the property this results in the proposal being supported on open brick piers of a full storey height. The current arrangement already has a clear glazed narrow porch/conservatory running across the rear of the building. This proposal seeks to extend this arrangement out from the main building to a maximum of 4.2m, with the side walls projecting 2.8m from the rear of the original dwelling. The windows to the conservatory are indicated as being clear glazed.

Planning History

Planning consent for the original porch/conservatory was gained in 1988 under 01/88/1247.

Planning Policy

The application needs to be considered against policy H19 and SPG 12 - Residential Design Guide of the Lancaster District Local Plan. The main aims of the policy and guidance is to seek to ensure that residential extensions are well designed and do not unduly impact upon the amenities of neighbouring residential properties.

Comments

The original submission was considered to be contrary to the aims and objectives of the planning policy. The depth of the extension and the introduction of clear glazing, particularly alongside the adjoining residential property was considered to be detrimental to the amenity of the neighbouring dwelling. However, following discussions with the applicant/agent a revised form of development was agreed. This proposed a much shorter projection from the rear of the property reducing the overall length by 1.0m and shortening the side wall by approx. 600mm, reflecting others along the street. Obscure glazing is also introduced to the side wall and closest angled window to prevent overlooking of the close garden area and bay window. This arrangement is considered to meet the aims of policy H19 and not have a significant effect upon the amenities of nearby residents.

The revised plans are anticipated in time for the committee meeting and consultation will have been undertaken with local residents. It is considered that subject to the revised plans reflecting the earlier discussions with officers, that the application should be supported. Conditions will need to be attached to ensure appropriate material and the introduction/maintenance of obscure glazing.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That subject to no significant new objections being raised by the consultees, that **PERMISSION IS GRANTED** with the decision being delegated to the Head of Planning Services to allow the consultation period to expire.

1. Standard Time Limit
2. Development to be in accordance with the approved plans
3. Amended plans
4. Samples of external material to be agreed.
5. As may be required by consultees

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DECISION DATE 17 October 2006	APPLICATION NO. 06/01055/FUL A19	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED ERECTION OF A SHED ON LAND OPPOSITE		SITE ADDRESS 49 THE ROW SILVERDALE CARNFORTH LANCASHIRE LA5 0UG
APPLICANT: Roger Heise 49 The Row Silverdale LA5 0UG		AGENT:

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Views awaited - no objections to the previous submission.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Within the Arnside and Silverdale Area of Outstanding Natural Beauty.

STATUTORY CONSULTATIONS**County Highways** - No observations.**OTHER OBSERVATIONS RECEIVED****Arnside and Silverdale AONB** - Concerns re landscape impact.**REPORT**

This form of application would normally be considered under the scheme of delegation, however, following a request from a local Ward Councillor, the application has been placed before the Planning Committee for determination.

Site and its Surroundings

The application site is located to the west side of The Row, Silverdale a residential road running north/south through the edge of the village. All the dwellings are sited on the eastern side of the road with only a limited number of ancillary buildings located on the western side of the road. The remaining land is predominantly open agricultural land bounded by a stone wall and a limited number of hedgerows.

The application site originally formed part of a larger open field which has a public footpath east/west across it. The application site is now separated from the main field by a newly planted hedgerow and whilst still being agricultural is to be used as an orchard.

The Proposal

The current proposal seeks consent to erect a small domestic style/scale shed within the small orchard area on the opposite side of the road to the applicant's house, 49 The Row, Silverdale. The shed is approximately 2.2m x 2.7m, standing 2.4m (8ft) to the ridge. It proposed to site the shed at the lower part of the field and stain the timberwork grey to reflect the adjacent limestone walling. The shed is to provide a storage facility for tools and machinery to maintain the orchard.

Planning History

The land has had a number of recent application seeking consent to develop a storage building within the plot.

04/00327/FUL - Refused in 2004 sought consent to erect a relatively large stone barn on the site for storage of machinery and produce.

06/00510/FUL - Refused in June 2006 for the erection of a shed within the site for the storage of tools. This application was refused due to its impact upon character and landscape of the Silverdale and Arnside AONB and the potential precedent set in approving such development on the western side of The Row.

The current application is identical in proposed form to that refused under 06/00510/FUL, but the applicant has provided a supporting justification for the development. A copy of which is attached to the agenda item.

Planning Policy

The application needs to be considered against planning policy for the Silverdale and Arnside AONB, in particular policy E3 of the Lancaster District Local Plan and Policies1 and 20 of the Joint Lancashire Structure Plan 2001-2016. The policies are protectionist in nature seeking to ensure that there is a need for the development and that any development within an Area of Outstanding Natural Beauty would not have a significant adverse effect upon the character or harm the landscape quality of the area.

Comments

The land in question historically formed part of a larger field which in turn forms part of the historic field pattern around Silverdale. The residential development is mainly restricted to the eastern side of the row with some intrusions into the land on the western side of The Row.

The natural topography of the land and the route of a public footpath ensues that the site is and the shed will be clearly visible from a public aspect. The design of the building whilst being relatively small is clearly domestic in nature and its construction within the agricultural landscape is considered to be detrimental to the character of the immediate rural landscape and the wider Arnside and Silverdale AONB.

The applicant has detailed the reasoning behind the development of the shed, including the fact that it is an historical replacement and that the site whilst being close to dwelling is distinctly separate and would be difficult to manage with tools etc stored at the house. In addition he considered that the design, material and location of the shed is such that it will not have a significant impact in the landscape and therefore the character of the AONB.

Conclusion

Overall, whilst having sympathy with the applicant's wishes to construct a building within the orchard, it is considered that the applicant has not demonstrated sufficient need for this building, given the close proximity of the main domestic residence and the small-scale nature of the agricultural land which is to be maintained. As such the proposal is considered to undermine the landscape value of the land to the western side of The Row and the wider Silverdale and Arnside AONB and should be resisted.

HUMAN RIGHTS IMPLICATIONS

It is recognised that a recommendation of refusal may result in an interference with the applicant's right to develop their land in accordance with the Human Rights Act. However, on the facts of this case it is considered both necessary and proportionate to control development in the public interest in light of the concerns set out in this report and for the stated reasons.

RECOMMENDATIONS

Following expiration of the consultation period that **PERMISSION BE REFUSED** for the following reasons: -

1. The application site is located within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). The application relates to development within a small plot of agricultural land that forms part of a larger area of open pastoral land typical of the area but lies within close proximity to the applicants domestic curtilage. The development lies in a prominent position, visible from an adjacent public footpath and the more elevated linear residential development known as The Row. In the opinion of the Local Planning Authority, the submission provides insufficient justification for the development of a shed. Furthermore, the location and domestic design of the development in a prominent and intrusive position would adversely affect the open nature of the land and the landscape character of the area. As such, the development is considered to be contrary to Policy E3 of the Lancaster District Local Plan and Policies 1 and 20 of the Lancashire Structure Plan which seek to resist development which undermines the primary objective of an AONB, the conservation of the natural beauty of the landscape.
2. The proposal, if approved, would set a precedent for the erection of other buildings on the undeveloped western side of The Row making such developments progressively more difficult to resist.

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13.08.2006

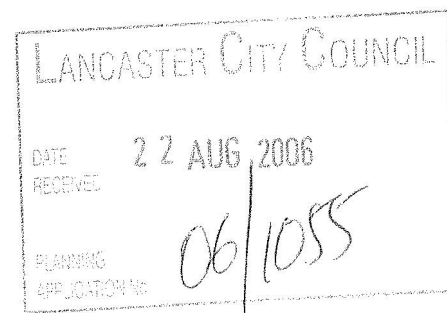
Heise 49 The Row Silverdale LA5 0UG

Planning and Building Control Services - Lancaster

Palatine Hall

GB - LANCASTER LA1 1PW

New application - Justification



Dear Sirs

Justification in support of planning application for a shed on land opposite my house at 49 The Row Silverdale LA5 0UG.

When the property was purchased in 1983 the area across The Row was used as an allotment and an orchard. A pitch-coated timber shed, used for storing the tools needed to tend the area, stood a little nearer to The Row than the proposed new shed. While I was working abroad, I could not maintain the land and had to let the area degenerate to rough grazing; the orchard has largely died out. The old shed had to be demolished recently as it had become derelict and its site was required by a new sewage digester as demanded by current legislation.

I have now returned to live full-time in the property. I intend to return the lower area to an orchard and I therefore need to replace the storage shed for equipment. (In preparation I have already restored more than 50 metres of dry walling and planted a classic English hedge along the South of the area to replace unsightly wire fencing, in my own attempt to conserve the natural beauty of the landscape.)

It is not practical to keep the tools and equipment in the house across the road. I am of retirement age and can only become less physically able; there are serious health and safety considerations about transporting unwieldy equipment across the road at a blind corner.

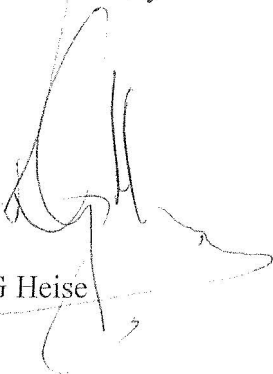
The location of the proposed shed is well enclosed by the boundary wall and the trees to the West and North of the area. This is clearly shown on the attached photographs (the shed is simulated with a tarpaulin over a framework of ladders). The shed timber itself will be stained to match the stone wall. All views from The Row are down into the area, so the shed will break no skylines. From the footpath (which is largely at a lower level), the sight-lines up to the shed will be masked by the hedge to the South (this hedge was replanted only 3 years ago and will obviously grow higher in the near future).

There is no issue of establishing a precedent with the erection of a shed on the West of The Row. Firstly, a shed already stood on this site; secondly all other plots on the West of The Row already have sheds or garages erected on them – see the attached photographs of those buildings on the West of The Row visible from the road above my land.

In essence the shed will assist in the maintenance of the land and rural regeneration; it will have no significant adverse effect on the landscape quality.

I would very much appreciate your early consideration of this planning application and I request that it be submitted for decision at the Planning Committee in the light of the advice I have received from your planning office.

Yours sincerely



R G Heise

DECISION DATE 27 September 2006	APPLICATION NO. 06/00906/CU A20	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED CONVERSION OF BARN AND OUTBUILDINGS TO 4 NO HOLIDAY LETS, DEMOLITION OF EXISTING FORMER FARMHOUSE AND ERECTION OF REPLACEMENT DWELLING		SITE ADDRESS BOND GATE FARM ABBEYSTEAD ROAD DOLPHINHOLME LANCASTER LANCASHIRE LA2 9AY
APPLICANT: Mr And Mrs I Collinson Bond Gate Farm Abbeystead Road Dolphinholme Lancaster Lancashire LA2 9AY		AGENT: J T And A S Almond Partnership

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Any views will be reported to Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - The site is within a Countryside Area.

STATUTORY CONSULTATIONS**County Highways** - Observations awaited.**Environmental Health Officer** - Observations awaited.**County Land Agent** - No objection, farm buildings redundant.**County Archaeologist** - Building record needed.**Bat Group** - Records of bat roosts in the local area.**OTHER OBSERVATIONS RECEIVED**

No representations received.

REPORT

This site is located on the south side of Abbeystead Road just beyond the built up limits of the village of Dolphinholme. It is surrounded on both sides and in front by open pastureland and by woodland to the rear. The site comprises a traditional stone farm house set well back from the road and a range of stone farm buildings, including a barn with lean-to shippens on both sides and two small outbuildings set round a small yard to the rear of the house.

A previous application, No. 03/00449/CU for the conversion of the barn and outbuildings into two dwellings was refused in 2003 because of its conflict with the policies of the Joint Lancashire Structure Plan and Regional Planning Guidance and with the barn conversion policy of the Local Plan in that alternative use for employment or tourism purposes had not been investigated.

This proposal is a full application to demolish and replace the existing farm house with a new four bedroomed dwelling on the same site and the conversion of the agricultural building into four holiday cottages and a domestic garage/workshop to serve the dwelling.

The existing farm house is a traditional three bedroomed house with three ground floor rooms and a single storey lean-to and one end housing utility/boiler rooms. The house is not listed or within a Conservation Area and therefore there is no fundamental policy objection to its replacement. The proposed dwelling is about 50% larger, but is traditionally designed to resemble a farm house with attached converted barn and will be built in reclaimed stone under a slate roof. This proposal will therefore fit well with the existing farm building group to be retained and with the surrounding landscape and will not conflict with Local Plan landscape policies.

The proposals for the farm buildings involve very little alteration to their external fabric and would create four short stay holiday units ranging in size from a very small one bedroomed unit to a large four bedroomed unit, with two three bedroomed units inbetween. The scheme makes full use of the existing structures and includes a machinery store to house the small amount of equipment needed to service the small area of land retained.

This part of the proposal conforms to the Local Plan policies in respect of the re-use of rural buildings and rural employment diversification and new tourism development as well as the landscape policies.

It is considered therefore, that this proposal can be supported subject to the usual occupancy and ownership restrictions.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **PERMISSION IS GRANTED** subject to conditions covering the following issues:-

1. Standard full permission.
2. Development in accordance with submitted plans.
3. No demolition of agricultural buildings without consent.
4. Use existing materials for barn conversion and new house, samples of any new materials to be agreed.
5. Details of stonework, coursing, pointing, heads, sills, quoins and chimneys to be agreed.

6. Details of roof eaves, verges, ridges, roof lights and rainwater goods to be agreed.
7. Details of windows, doors, screens, balcony and external roof beams including set backs and finishes to be agreed.
8. Archaeological record of all buildings.
9. Bat and owl survey.
10. Details of drainage proposals to be agreed.
11. P.D. rights removed (buildings).
12. P.D. rights removed from surrounding land.
13. No parking, storage or non grazing uses of surrounding land.
14. Holiday cottages to be retained and operated by occupier of new house.
15. Use as short term holiday accommodation only.
16. Register of occupiers to be maintained.
17. As may be requested by consultees.

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DECISION DATE 22 August 2006	APPLICATION NO. 06/00797/OUT A21	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED OUTLINE APPLICATION FOR THE ERECTION OF AN EXTENSION TO EXISTING STORE		SITE ADDRESS BOOTH'S SUPERMARKETS SCOTLAND ROAD CARNFORTH LANCASHIRE LA5 9JZ
APPLICANT: E H Booth & Co Longridge Road Ribbleton Preston Lancashire PR2 5RU		AGENT: Donald K Clark Ltd

REASON FOR DELAY

None.

PARISH NOTIFICATION

Carnforth Town Council has no objections to this application.

LAND USE ALLOCATION/DEPARTURE

The supermarket occupies a position within the Town Centre Boundary as defined by the Lancaster District Local Plan 1996-2006. Scotland Road is an Access Corridor.

STATUTORY CONSULTATIONS

County Highways - The servicing arrangements are not made worse by this application as a reversing manoeuvre will still occur. But pedestrian and cycle linkage nearby will improve as a direct result of application 06/00798/FUL. However if that application maintains an element of car park charging or the revised parking spaces are not provided, then there would be an objection to this supermarket extension.

The supermarket would also require the reinstatement of 5 parent and child spaces and the retention of at least 5 mobility spaces.

Engineering Services - No highway or drainage objections.

Environmental Health - Standard conditions are required in respect of land contamination, hours of construction and details of ventilation and extraction. Advice Notes will be required relating to noise, vibration and industrial machinery.

OTHER OBSERVATIONS RECEIVED

A number of observations have been received in respect of the two other applications submitted by Booths, but none of them specifically relate to the extensions to the supermarket, except to state that there should be adequate facilities (cycle parking, toilets) in the locality.

REPORT

Site and Its Surroundings

This application is one of three submissions by Booths proposing a general rearrangement and redevelopment of their site and neighbouring land. It is submitted in outline form only, with siting and means of access applied for. Matters such as design, appearance and landscaping are therefore reserved for future consideration should this application be successful.

Booths occupies a position within the town centre boundary. It is accessible by car from Scotland Road and the main pedestrian linkage is via Ashtrees Way. A series of residential terraces adjoin the site to the west whilst the land to the north is open and is used as a storage compound, unconnected to the retail operation. The site slopes considerably from the east down to the west and as a result the supermarket building is not especially prominent and does not appear as three-storey.

The store and car park were approved in 1987 (Reference: 01/87/0773) and provided a lower ground floor storage area, a retail sales area on the ground floor and ancillary office uses on the first floor. It is finished in stone block and slate.

The Impact of the Extensions to the Store

The extensions now proposed take the form of a three-storey addition on the northern elevation and a more modest single-storey extension on the southern elevation.

The larger extension proposes a covered yard on the lower ground floor which would provide staff and light-vehicle parking and an enclosed lift. This provides access to the ground floor, which would be extended to provide an additional 221 square metres of sales area floorspace. The first floor will be extended to accommodate the lift, plant room and other ancillary uses. In total the gross floorspace is increased by 444 square metres, and five additional jobs are to be created as a result.

At its highest point the lift shaft element of the extension would measure approximately 11.5m, although given the land level differences this would result in the height of the current store being exceeded by less than a metre.

The new covered yard alters the access into the store, although not significantly. The new building will extend northwards adjacent to Pond Street, although it is considered that this will not adversely affect the outlook of residents in this area. In fact, the enclosing of the Booths site caused by the extension should reduce any noise associated with deliveries and may, subject to an appropriate design being agreed at the reserved matters stage, improve the external environment.

The revised car park and junction arrangements are considered under application 06/00798/FUL. However the County Highways Department advises that some of the measures considered under 06/00798/FUL would lead to an objection being sustained on this supermarket extension proposal. In particular they are opposed to car park charging on the basis that it could lead to an increase in on-street parking. A free car park for up to 3 hours is suggested instead, and the development of a Travel Plan for Booths' employees to prevent car parking spaces being taken up for the duration of the day. If Members are minded to recommend approval, this application for the store extension could be conditioned so that the structure was not constructed until the car park measures were implemented and the parking management plan was altered to retain free parking for a limited time period.

The southern extension provides a 'toilet pod' and will be accessed from inside the store. This is located in the centre of the southern elevation and there is no objection to this addition, subject to reserved matters.

The Retail Impact

The applicant has produced a retail statement estimating the impact of the additional sales area upon existing retail facilities in Carnforth.

Notwithstanding this document, national planning policy aims to promote growth within town centres and given Booths' location, this proposal conforms with that broad policy. It is not necessary to demonstrate the need for retail proposals, (regardless of whether they are extensions to existing stores or new builds), or the impact caused by them, where the store is located within the primary shopping centre/town centre.

Even if this were not the case, the scale of this proposal is still considered acceptable for a town centre use and will not result in an over-concentration of growth. It is anticipated that the extension will enhance the retail offer at Booths and the good pedestrian linkage that the site enjoys to Market Street means that it will have a consequential positive impact upon the number of people accessing the town centre.

Conclusions

The extension on the southern elevation provides essential facilities and is modest in scale. The extension to the north proposes a three-storey building accommodating the extension to the sales area and ancillary, operational facilities. The extension has been designed to keep the external footprint of the new building to a minimum and it is appropriately located.

The delivery (access) arrangements to this extension are acceptable, although it is noted that application 06/00798/FUL seeks to comprehensively amend the access and parking layout of the store. The County Highways Department raise no objection to the extension on the grounds that the amended car-parking layout is provided and that the park remains free of charge. Whilst this issue is considered under application 06/00798/FUL, it is reasonable to consider conditioning the provision of appropriate car parking on this application where it is concluded that the store extension would have an impact upon parking numbers. This will be the case here.

There is no adverse retail impact caused by the proposals and the extension to the retail offer within the established town centre is to be encouraged. Members are therefore advised that this application can be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **OUTLINE PLANNING PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard outline consent.
2. Approval subject to approval of reserved matters.
3. All external materials to be agreed.

4. Standard land contamination condition.
5. Details of ventilation & extraction to be agreed.
6. Precise delivery arrangements to be agreed.
7. Precise parking measures to be agreed, including the retention of free car parking and the provision of the amended car parking layout as illustrated on application 06/00798/FUL (or any subsequent similar application approved by the Local Planning Authority).
8. Standard Green Travel Plan condition for store employees.
9. Hours of use to be restricted to that of the existing store.
10. Standard hours of construction.
11. As required by consultees.

DECISION DATE 22 August 2006	APPLICATION NO. 06/00796/OUT A22	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING A1-A5 BUSINESS USES AND 9 RESIDENTIAL UNITS.		SITE ADDRESS FORMER NORJAC SERVICE STATION SCOTLAND ROAD CARNFORTH LANCASHIRE LA5 9JZ
APPLICANT: E H Booth & Co Longridge Road Ribbleton Preston Lancashire PR2 5RU		AGENT: Donald K Clark Ltd

REASON FOR DELAY

None.

PARISH NOTIFICATION

Carnforth Town Council have, at the time of compiling this report, only commented on the original proposal. Their comments regarding the amended scheme are still awaited.

Whilst redevelopment of the site is acceptable in principle, their original comments concluded that the development should be refused on the grounds that it is too high and that the general appearance is not in keeping with the locality.

LAND USE ALLOCATION/DEPARTURE

The site lies immediately adjacent (but outside) the area defined as the Carnforth Town Centre. Scotland Road is an Access Corridor as defined by the Lancaster District Local Plan 1996-2006.

STATUTORY CONSULTATIONS

County Highways - No objections in principle on the proviso that the light delivery area is removed from the scheme. This area should be kept for pedestrians only and light deliveries could occur in the underground car park from a designated delivery bay.

Other requirements include the provision of 1 mobility space for the residential units and 1 mobility space for the office units, sited close to the lift; parking for 9 cycles in a lockable area; cycle parking for the office workers in the form of 2 `Sheffield' stands be provided; cycle parking in the form of 3 `Sheffield' stands for visitors to the new ground floor units be provided under the proposed canopy; the closure of all existing access points within the site; and the provision of wheel cleaning facilities to prevent loose fill being brought onto the public highway.

Environment Agency - No objections subject to a standard land contamination condition being imposed and a condition requiring surface water drainage to be passed through trapped gullies.

United Utilities - No objection subject to the site being drained on a separate system with only foul drainage being connected to the foul sewer. General advice is provided regarding drainage.

Environmental Health Service - Condition requiring any potential A5 (take-away) use to be restricted to 0900-2200 opening hours is requested and a standard hours of delivery condition should also be imposed. The area is likely to be designated as an Air Quality Management Area (AQMA) and therefore an air quality assessment will be required. Other conditions requested include soundproofing of the units and odour control (arising from commercial uses).

Engineering Services - No objections in principle but adequate space should be provided for mobility spaces, bicycles and motorcycles.

OTHER OBSERVATIONS RECEIVED

12 letters have been received from local residents on the scheme as originally submitted. The following comments have been made:

- That the style of the development does not relate to Carnforth architecture;
- Loss of amenity to residents opposite (light, outlook, view - although the latter is not a valid planning consideration);
- General scale and height of the proposal;
- That there will be an impact upon pollution;
- That the ground beneath the site may be inappropriate to be developed upon;
- Impacts upon local water supply caused by greater demand;
- The potential uses of the ground floor are left open and that this is unnecessary expansion of the town centre;
- Inadequate parking provision;

A letter from the surveyor representing Norjac has also been received. Although they do not object in principle, they have concerns regarding the height of the development. They also point out that in their view no right of access exists for the applicants along the private roadway (opposite Hawk Street).

The local Member of Parliament has also written to the Local Planning Authority forwarding a resident's letter.

REPORT

Site and Its Surroundings

This application is one of three submissions by Booths proposing a general rearrangement and redevelopment of their site and neighbouring land. It is submitted in outline form only, with siting and means of access applied for. Matters such as design, appearance and landscaping are therefore reserved for future consideration should this application be successful.

Whilst the existing supermarket occupies a position within the identified town centre boundary, this roadside site lies adjacent to that designation. Until recent years the site had been occupied by a successful filling station business, but that use has now ceased and the site has fallen into dereliction.

It lies opposite a terrace of residential properties and a further group of domestic dwellings are situated at a higher level on Oliver Place further to the east. To the west lies the car park serving Booth's supermarket. A series of retail and commercial premises are located due south of the site on Scotland Road and form the corner of the central retail area in the town.

The Proposed Development

The proposal has been amended due to discussions with the Local Planning Authority.

The original submission proposed a mixed-use development that would have six floors in total, although the Lower Ground Floor would not be visible from Scotland Road and the top Penthouse Floor would only extend along the northern portion of the building.

The development was significantly different in appearance to existing commercial premises in Carnforth due to the massing and its fenestration details and the presence of a flat roof.

Following concerns regarding the height of the development the applicant agreed to amend the scale and design of the application. The building will now provide four and a half storeys, although one of these still remains below the level of Scotland Road and the top floor will, with the exception of the penthouse flat, provide rooms within the roofspace in an effort to keep the height of the building to a minimum.

The building will now benefit from a pitched roof with the exception of the northern end of the building, which will have a hipped roof. The roof will be slate with stone and render used on the elevations. The rainwater goods and windows will be aluminium.

As a result of the alterations the number of residential units has decreased from 11 to 9. They take the form of 4 two-bedroomed flats on the first floor, with 4 two/three-bedroomed maisonettes across the second/third floors. The penthouse flat is located on the third floor and will have three bedrooms.

The other uses that will be accommodated within the building have not, at present, been identified in terms of an end user, hence the reason for pursuing a wide range of Use Classes via this application. With regards to the ground floor, the uses that are applied for are as follows:

- A1 Use Class: Retail;
- A2 Use Class: Financial and Professional Services;
- A3 Use Class: Restaurants and Cafeterias;
- A4 Use Class: Drinking Establishments;
- A5 Use Class: Hot Food Takeaways.

This 600 square-metre area could theoretically be given over to a single end user, or the ground floor could be sub-divided into separate units. Refuse storage for the retail/commercial units is also located on the ground floor. An internal stairwell area and lift provide access to the upper floors and is located on the northern elevation.

Externally the ground floor also provides a pull-in off Scotland Road for deliveries and buses, and a paved and landscaped circular area where light deliveries could be made and which emergency vehicles could use.

An office area is proposed on the first and second floors and this office space amounts to 329 square metres.

The lower ground floor accommodates refuse storage for the office and residential properties. However the main use of this floor is the provision of 27 car parking spaces for the residential and office uses. This area is accessed via the Booths car park. Revisions to the car parking and junction arrangements to the supermarket are considered under application 06/00798/FUL.

Matters of Procedure

The applicant has provided elevational details for purely illustrative purposes, and Members are advised that the outcome of this outline application hinges upon three key issues; namely the principle of the development, the siting of the building and the access/parking arrangements.

The Principle of Development

With regards to the principle of development, there are three matters that must be addressed. These are: -

- Whether the uses within Use Classes A1-A5 are appropriate in this location;
- Whether the partial use of two of the above floors for office accommodation is appropriate; and,
- Whether the provision of new residential units is appropriate in the location and conforms with the housing exceptions policy in force at this time of housing restraint in the district.

With regard to the ground floor uses, it is recognised that this site is not formally included within the town centre boundary. However national planning guidance contained within Planning Policy Statement 6 'Planning for Town Centres' advises that town centre designations should include appropriate uses adjacent to the primary shopping area. It is argued that this is such a site. Positive benefits are likely to be stronger if development occurs within or adjacent to the centre in question. In this case the site lies immediately adjacent the town centre boundary on two sides and is well-connected to the existing commercial and retail uses.

There are at present a couple of retail units on Market Street that have recently become vacant. The provision of new retail/commercial units on Scotland Road may be considered to potentially hinder attempts at filling those Market Street units. However the alternative view can also be taken, that the provision of new units within or on the immediate periphery of the town centre can only enhance the nature of the retail and commercial offer within Carnforth Town Centre. The Local Planning Authority believes the latter to be the case. Furthermore the extent of the floor area proposed is different in scale and orientation to the vacant units. The flexibility that these new units would offer can provide appropriate new shopping, office or dining facilities.

Whilst A1, A2 and A3 uses can be accommodated in this location, the position regarding A4 and A5 uses is less clear-cut. In terms of drinking establishments (A4), there are already four drinking establishments in close proximity, and a fifth would, in the view of the Local Planning Authority, result in an over-concentration of such uses in the area. Hot food takeaways (A5) may be appropriate on the ground floor where matters such as noise and odour prevention are satisfactorily addressed, where there is no adverse traffic impact and where the hours of opening are not excessive.

The use of two sections of the upper floors for office space is considered appropriate on the proviso that the use is restricted to offices only, and that no light industrial activity or studio/laboratory uses occur. However the office space can only be utilised once matters such as soundproofing have been adequately taken into account.

In terms of residential re-use of the site, the application does satisfy the exceptional criteria contained within Supplementary Planning Guidance (SPG) Note 16 - 'The Phasing of New Residential Development'. It brings a derelict (and contaminated) site back into beneficial re-use; it contributes indirectly to local regeneration initiatives such as the Carnforth & Area Regeneration Partnership; and it is located in a sustainable position within the settlement.

Subject to the satisfactory internal separation of the uses, and the withdrawal of Use Class A4 from the application, the uses proposed constitute acceptable uses within this locality, and the principle of development is therefore accepted.

The Siting of the Building

The shape of the building has changed as a result of the amendments. The semi-circular northern end has been replaced by a more traditional square 'pavilion' arrangement.

The position of the building is considered appropriate given that this is in effect almost an 'island site'. Lower Hawk Street provides separation from the car showroom to the south, whilst the Booths' access road and car park abut the northern and western boundaries of the site. It is recognised that the western elevation of the proposed building will provide external patio-type areas, and care would need to be taken at the reserved matters stage (should this application be successful) to ensure that these areas do not overlook neighbouring uses. Given the considerable proximity to other residential property, this is not considered to be a major obstacle.

Perhaps the most significant area of contention is the impact that the siting of the building will have upon the residents on the opposite side of Scotland Road. During the consultation process concern was raised about the scale and design of the development, and the Local Planning Authority considers that these concerns have been alleviated somewhat by modifications to the scheme.

The best indicator of the impact of the building is demonstrated by two illustrative plans; the amended sectional drawing and the amended streetscene drawing. The sectional drawing indicates that the distance between the main elevations of the properties opposite and the ground and first floors of the new building will be approximately 15 metres. This distance increases to approximately 17.75m due to the setting-back of the second floor.

These distances are considered acceptable for two reasons. Firstly, the main living areas of the new residential units are located at the rear of the building, and the Scotland Road elevation will contain bedroom windows only, thus reducing the likelihood of privacy difficulties between the most habitable rooms. Secondly, the proposed first floor windows are positioned under a lean-to canopy, thereby reducing their impact still further. Whilst the second floor windows will have an outlook towards Scotland Road, the illustrative plans indicate that the third floor will not have any openings facing the existing Scotland Road properties.

Setting the building back further would, in the opinion of the Local Planning Authority, weaken the streetscene elevation at this corner of Carnforth, where the existing buildings are positioned tight to the highway.

The streetscene drawing shows the new building measuring 13.4m at the highest point of the penthouse, reducing to 11.6m at the ridge of the remainder of the building. This compares to a ridge height of 10.4m on the adjacent car showroom and 12.7m on the highest ridge on this side of Scotland Road. Given that the highest part of the new structure will occur beyond the line of the residential property opposite on Scotland Road, these heights are considered broadly acceptable.

Based on the amended plans, the application is considered appropriate in terms of siting.

The Access Arrangements

The access arrangements are difficult to determine without consideration of the traffic and highway proposals proposed under application 06/00798/FUL, particularly as access to the underground car park would be taken from the supermarket parking area. Whilst those highway works are deemed by the applicant to be critical to the redevelopment of the entire site, and the investment in the store extension and the viability of this mixed-use scheme, this application should be considered on its own merits.

The underground car park is acceptable in terms of both access and the number of car parking spaces, although two of the spaces should be converted to mobility standard. A series of bicycle parking areas must also be provided; 9 of which would be for residents in the underground parking area. A further 5 'Sheffield' stands would be provided for the office and retail/commercial units, 2 of which would be underground and 3 of which would be under the front canopy on Scotland Road.

The contentious access issue concerns the looped delivery area to the north. This would potentially be used for light delivery vehicles. However its proximity to the supermarket junction and the bus pull-in on Scotland Road is problematic. This area can still be retained in this form (or similar) provided that the area is given over to pedestrians only and could take the form of a pleasant, structured landscaped area on this prominent corner. Light deliveries could take place in a designated bay in the underground park.

The footway to Scotland Road would be widened slightly and it is assumed that this would be offered for adoption to the County Council. This matter can be controlled via condition.

Conclusions

This outline application has been amended considerably to remove a whole storey from the development and has been re-designed to provide pitched roofs more in keeping with the character of the town. The northern end of the building is still striking and contemporary in design but the use of stone, render and slate on the building as a whole is considered to reflect Carnforth traditions.

The uses proposed are acceptable in this location and the ground floor uses in particular would strengthen the vitality and viability of the town centre. The upper office space is acceptable providing that the use can be sufficiently soundproofed so as not to adversely affect the neighbouring residents. The principle of residential units is also acceptable in terms of SPG 16 and the orientation of the units ensures that the main living and patio areas face west, rather than east towards the existing properties.

The access into the site is acceptable although it is acknowledged that the implementation of the application could depend upon the outcome of applications 06/00797/OUT and 06/00798/FUL. Notwithstanding those applications, this is a proposal that can be supported on its own merits.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That **OUTLINE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard outline consent.
2. Approval subject to approval of reserved matters.
3. All external materials to be agreed.
4. All windows, doors, rainwater goods, canopies and patio areas to be agreed.
5. Standard landscaping condition.
6. Details of ventilation & extraction to be agreed.
7. Precise parking and highway measures to be agreed, including the provision of 2 mobility spaces in the underground car park and all footway surfaces to be agreed.
8. All deliveries to be made via the underground car park and made between 0800-1800 hours. No deliveries to be made on Sundays or Bank Holidays.

9. Closure of all existing access points and reinstatement of verge, footway and kerbing in accordance with County Highway specifications.
10. Bicycle parking to be provided in accordance with County Highway recommendations
11. Provision of wheel cleaning facilities
12. Submission of air quality assessment prior to the commencement of development.
13. Standard land contamination condition.
14. Standard soundproofing condition.
15. Standard odour control condition.
16. Separate sewerage system.
17. Standard surface water system condition.
18. Use of the ground floor units to be restricted to that within A1, A2, A3 and A5 Use Classes.
19. Use of offices to be restricted to Class B1 (a) (offices only).
20. Hours of use to be 0900-2200 for the ground floor units.
21. Standard hours of construction.
22. As required by consultees.

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DECISION DATE 22 August 2006	APPLICATION NO. 06/00798/FUL A23	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED CONSTRUCTION OF A NEW TRAFFIC LIGHT CONTROLLED JUNCTION TO SCOTLAND ROAD, RESURFACING AND RESETTING OUT OF PUBLIC CAR PARK INCLUDING NEW PAVING AND LANDSCAPING AND CAR PARK MANAGEMENT MEASURES		SITE ADDRESS BOOTH'S SUPERMARKETS SCOTLAND ROAD CARNFORTH LANCASHIRE LA5 9JZ
APPLICANT: E H Booth & Co Longridge Road Ribbleton Preston Lancashire PR2 6RU		AGENT: Donald K Clark Ltd

REASON FOR DELAY

None.

PARISH NOTIFICATION

Carnforth Town Council supports the new car parking layout but recommends that permission be refused for the following reasons: -

- A further traffic light junction will add to congestion problems in town;
- A roundabout could be considered, potentially using land from the derelict garage;
- They "vigorously oppose" parking charges due to impacts upon on-street parking in neighbouring streets;
- Concerns regarding the total number of parking spaces when the superstore extension and mixed-use development are added.

LAND USE ALLOCATION/DEPARTURE

The supermarket lies within the designated Town Centre boundary as defined by the Lancaster District Local Plan 1996-2006, although the existing junction lies outside that designation. Scotland Road and nearby Market Street are Access Corridors.

STATUTORY CONSULTATIONS

County Highways - Are opposed to the implementation of charging to the car park due to the potential consequential increase it would have upon on-street parking nearby. They would not oppose a scheme where the car park remained free but waiting was limited to 3 hours. However the management measures would be opposed in their entirety if 06/00797/OUT (the supermarket extension) were refused.

With regard to the introduction of signals they advise that the applicant has failed to demonstrate adequate justification for the signals based on existing and proposed traffic flows. Other alternatives require exploration and these could include a priority junction arrangement, a roundabout and even a keep clear box. Previous attempts at providing traffic lights here were discussed with the County Highways Department when the retail circumstances in Carnforth were different.

The amount of car parking spaces has been reduced although the provision is still acceptable. Increases to the amount of parent and child and the mobility spaces would be required.

Property Services - If Booths were to charge there might be an impact upon other areas of Carnforth in terms of car parking.

Engineering Services - No objections but the mobility spaces in the car park should be increased from 8 to 14. Cycle and motorcycle parking should be conditioned.

Environmental Health - No objections subject to standard land contamination condition being imposed.

OTHER OBSERVATIONS RECEIVED

8 letters have been received from local residents and whilst some residents are staunchly opposed to the scheme, other residents believe it could be accommodated if some concerns were alleviated. The following comments have been made: -

- There are already 2 sets of traffic lights within 1/3 mile and this will worsen the current congestion;
- Parking charges would affect patient's parking for the adjacent surgery;
- Disturbance during construction/realignment;
- Development fails to achieve a comprehensive transport solution;
- Lights would only be necessary for vehicles turning right;
- Traffic calming should be investigated including traffic light sensors;
- Loss of tree for realigned layout;
- Insufficient information submitted.

REPORT

Site and Its Surroundings

This application is one of three submissions by Booths proposing a general rearrangement and redevelopment of their site and neighbouring land. Unlike the other two submissions (Reference: 06/00796/OUT for an extension to the supermarket and Reference: 06/00797/OUT for a new mixed use development) this is not an outline application and the matter is considered in full.

The existing junction provides the only vehicular entrance to Booths Supermarket and is taken from Scotland Road. The supermarket and existing car park occupy a position below the level of Scotland Road as the land falls from east to west, resulting in a curved, sloping access road linking the car park with the public highway. Pedestrian access is provided from the main shopping area via Ashtrees Way and a less formal pedestrian gateway exists in the southern corner of the site adjacent to the Carnforth Book Shop. There is an area of car parking adjacent to Ashtrees Way that does not form part of the supermarket parking area.

The residential terraces of Ramsden Street and Pond Street are located further to the west, whilst a mix of uses including retail, public house and a health centre form boundaries to the site to the west and south.

The Proposed Development

The application consists of three related proposals, namely:

- The remodelling of the existing public car park that serves Booths and Carnforth Town Centre and the provision of ancillary landscaping and features;
- The introduction of car park management measures, which would permit charging for car parking and set a maximum parking time limit; and,
- The provision of a new traffic-light controlled junction to Scotland Road.

Matters of Procedure

The roadside site that is the subject of application 06/00797/OUT is affected by this application in that vehicular access to the residential and office elements of the proposed building will be taken via the reorientated car park.

Application 06/00796/OUT for the extension to Booths is also affected in that the County Highways' Department has insisted on the provision of the reorientated car park layout and the removal of any proposed element of car park charging prior to the construction of the extension. In addition if that application is refused then the Highways Department believes that the car park management measures would not be required.

Both these applications are recommended for approval but it is recognised that all three applications could be inter-dependent.

Planning History and The Section 106 (Legal) Agreement

The Booths store and car park were approved in 1987 (Reference: 01/87/0773) subject to a legal agreement, which controlled the car parking arrangements. Aside from stipulations relating to access, landscaping, the walkway to Market Street and the general layout, the agreement stated:

“To keep the car park open at all times free of charge for use by members of the general public (unless varied by the agreement of both parties)”.

This application now seeks to vary that Section 106 Legal Agreement to permit charging for parking spaces, although it is recognised that parking will be kept available for all members of the public.

Planning application 98/01135/OUT proposed an extension to the supermarket and the introduction of a traffic-light junction. However despite approval of this application, Booths failed to reach an agreement regarding the additional land required to facilitate the junction, and that permission has since lapsed. A new legal agreement was drafted but this provided unrestricted car parking at all times.

Since then Booths have purchased the filling station site on Scotland Road and the redevelopment of this site and the supermarket in general is considered necessary to improve the town centre offer, particularly since the Tesco store opened at the opposite end of the town.

If Members were minded to approve this current application, they are advised that the matter be delegated back to Officers to arrange for the variation of the legal agreement prior to the issue of the decision notice.

Access Impact - The Physical Alterations to the Car Park and Surrounding Area

The car park will be significantly altered to improve vehicular circulation, the standard of parking spaces and the environmental quality of the locality. This results in a reduction in overall parking provision from 148 at present to 145 spaces. Of these 8 spaces will be mobility spaces.

New and extended landscaping areas are proposed around the car park to soften the appearance of this large area of tarmac. This includes an area adjacent to the Queen's Hotel retaining wall, which will benefit considerably from an improvement to its appearance.

Both the supporting statement and the submitted plans confirm that the mature tree near the site entrance (measuring approximately 14m in height) is being retained.

Other initiatives aimed at reducing the impact of tarmac include the introduction of different paving slabs and block paviors. Photographs illustrating examples of the surface materials are contained on Plan Number SCHL 1759.P1.04.

The environmental improvements associated with the provision of new surfaces also have the benefit of enhancing the accessibility of the site for mobility-impaired patrons. Dropped kerbs, tactile paving, protective bollards and contrasts in footway materials combine to provide a designated route from Market Street to the front entrance of Booths. A similar route is proposed from Lower Hawk Street and from the proposed traffic light junction.

The development offers an opportunity to improve the general public realm, and the applicant intends to provide litter bins, seating areas, a new external public notice board, tree floor guards and contoured paving. Boundary fencing will be repaired and the pedestrian entrance adjacent the Book Shop will be refurbished. A new covered bicycle canopy will be located in the north-western corner of the parking area, adjacent to the southern elevation of the building.

In general terms the remodelled car park is acceptable and constitutes a significant improvement over the present arrangement, both in terms of layout, manoeuvrability and appearance. It will also enhance the general character of those peripheral areas, notably the Queens Hotel car park and Ashtrees Way.

Modifications will be required to the number of mobility spaces provided and the retention of the 5 parent and child spaces is also required.

The car park layout is therefore considered to be appropriate subject to the revision of the mobility and parent and child spaces.

Car Parking Impact - The Introduction of a Parking Management Scheme

The applicant proposes the removal of the words "free of charge" from the legal agreement. The justification for this is to prevent long-stay car parking by commuters or Booths' own employees. A survey undertaken by the applicant's transport consultants found that 60 spaces were being occupied for a full working day, amounting to approximately 40% of the overall parking provision.

This change to the management regime would result in the introduction of pay and display machines. The parking area would also be subject to a maximum 3-hour stay time restriction. It is suggested that the price of a parking ticket could be partially refunded against goods purchased in the store.

National planning guidance regarding parking is contained within Planning Policy Guidance (PPG) Note 13 - 'Transport'. This document advocates the shared use of parking areas particularly in town centres, and it is recognised that this would still occur here.

PPG 13 also advises that parking charges can be used to accommodate alternative modes of transport, particularly where public transport nodes exist. In this case the site is off an identified Access Corridor and is closely located to the Railway Station. It continues by stating that charges should be appropriate and need to be backed up by enforcement measures. This stance is supported by Lancaster District Local Plan Policy T22, which aims to control the amount of traffic on Carnforth's main road network.

Therefore the objective of limiting commuter and employee parking is appropriate and accords with national and local policy. However PPG 13 also advises that Local Planning Authorities consider 'the effects of (traffic and parking) measures on surrounding areas'. In their role as statutory highway consultee, the County Highways' Department supports the 3-hour time limit but opposes the introduction of charging. This is based upon the likely additional on-street parking demand it would create in the residential areas around Hunter Street, Ramsden Street, Preston Street and Edward Street. These areas are already suffering from increased parking demand, and the recent decision to allow charging on the Railway Station car park appears to have exacerbated the problem.

It is recognised that the provision of a 3-hour time limit without charging would leave Booths to fund effective enforcement measures. However the public benefits associated with the no-charging arrangement would result in allowing customers to still visit Booths and make linked trips to other town centre uses within the time period allotted, without impacting upon the on-street parking network and removing commuters from this predominantly retail car park.

Highway Impact -The Proposed Traffic Light Junction

The existing vehicular access via Scotland Road is uncontrolled and contains one lane into the car park and one lane exiting the site. Therefore vehicles turning right across the Scotland Road traffic can block the access road for some time resulting in congestion on the road and within the car park.

Scotland Road would be widened as a result of the proposal on the eastern side to provide a 'through-lane', thereby by-passing a newly created right-turn lane into the supermarket car park. It is anticipated that the position of the road-widening would be as per the previously approved scheme or would be reviewed with the County Highways Department.

New traffic lights would control the junction and would necessitate the resiting of a lighting column. Pedestrian crossing points would be incorporated across Scotland Road and across the site access point. A new vehicular pull-in on the western side of Scotland Road is referred to in application 06/00796/OUT.

The exit lane from Booths' car park would be increased to two as the exit road widens at the access point.

The applicant's Transport Assessment is described by the County Highway's Department as "robust" and the methods used to assess the traffic flows and estimated growth figures are not questioned. The access and parking arrangements are shown to operate satisfactorily based on 2017 flows with no queuing problems and with a reserve capacity.

However the applicant confirms that traffic flows entering and leaving the site are now lower than those observed during the 1998 survey, which accompanied application 98/01135/OUT. The main reason for this is the development of the Tesco store outside the town centre, which has challenged Booths' position as the largest foodstore in Carnforth. The proposed extension is smaller than that considered in 1998 and coupled with the reduced traffic flows this affects the need for a traffic light junction.

The County Highway's Department concludes that the Transport Assessment fails to justify the use of a signalised junction based upon existing and predicted traffic levels, even allowing for the introduction of the proposed mixed-use development. If and when the capacity of the junction warrants some form of improvement, the Assessment should consider and assess other methods which may be implemented, such as the use of a priority junction, a mini roundabout and perhaps even smaller measures such as box junctions.

It is therefore considered that the junction alterations are not justified at the present time.

Conclusions

The redevelopment of the Booths site is, in principle, a positive development which will benefit the town centre. The provision of a store extension and the mixed use block would provide further facilities/services within easy walking distance of the primary shopping area, and it is acknowledged that the implementation of those applications could depend on the outcome of the proposed highway and parking alterations.

The car parking remodelling would resolve a rather confusing and unattractive layout and provide improved community facilities and an enhanced public realm.

Therefore the decision to recommend refusal of this application is not taken lightly.

However the decision to provide a further set of traffic lights within Carnforth, given the substantial congestion that already occurs in the town, is a determining factor. The fact that the store is operating at a lower capacity than when the signalised junction was previously approved is an important issue, and this weakens the case for signals at this location. Even where there is a need for some form of junction improvement, there are other sequentially preferable methods of junction control that would be less likely to halt the flow of highway traffic on Scotland Road.

At the time of completing this report, further negotiations are being undertaken to try and resolve these issues. However, if these cannot be resolved it is felt the scheme, as submitted, cannot be recommended for approval without the Highway Authority's support. As such refusal is recommended.

HUMAN RIGHTS IMPLICATIONS

It is recognised that a recommendation of refusal may result in an interference with the applicant's right to develop their land in accordance with the Human Rights Act. However, on the facts of this case it is considered both necessary and proportionate to control development in the public interest in light of the concerns set out in this report and for the stated reasons.

RECOMMENDATIONS

Subject to the outcome of ongoing negotiations, that **PLANNING PERMISSION BE REFUSED** for the following reasons: -

1. The applicant has failed to adequately justify the need for a signalised junction at the access point. The Transport Assessment acknowledges that current traffic flows entering and leaving the site are lower than those contained within the 1998 survey. Coupled with the smaller nature of the supermarket extension and even allowing for the provision of the proposed mixed-use development, this would still not warrant the signals proposed. The Transport Assessment also fails to consider the implementation of other junction control methods which would have a potentially lesser effect upon traffic flow along Scotland Road. The proposal is therefore contrary to Planning Policy Guidance Note 13 - 'Transport' - by virtue of the fact that the signals would exacerbate congestion pressures within Carnforth as a whole.
2. The introduction of charges for the car park would be likely to increase the demand for on-street parking on neighbouring roads, to the detriment of nearby residents. As a consequence the proposal would be contrary to Planning Policy Guidance Note 13 - 'Transport' - by virtue of the adverse impact upon the surrounding highway network and the displacement of residential parking.

DECISION DATE 4 October 2006	APPLICATION NO. 06/01004/CCC A24	PLANNING COMMITTEE: 18 September 2006
DEVELOPMENT PROPOSED RESTORATION AND CONTINUED USE OF A BATCHING PLANT AND ANCILLARY FACILITIES		SITE ADDRESS DUNALD MILL QUARRY LONG DALES LANE NETHER KELLET LONGDALES LANE LANCASHIRE
APPLICANT: Tarmac Heavy Building Material UK Ltd Millfields Road Ettingshall Wolverhampton WV4 6JP		AGENT:

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Nether Kellet Parish Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

This application falls to be determined by Lancashire County Council, who are therefore responsible for carrying out the relevant consultations.

OTHER OBSERVATIONS RECEIVED

Any representations received will be reported orally at Committee.

REPORT

Dunald Mill quarry to the east of Nether Kellet contains a concrete batching plant which is the subject of a limited period planning consent. The terms of this permission, granted in 1998 (application 98/00495) require that it should be removed no later than 1 August 2008 or within 6 months of the cessation of mineral extraction, whichever is the sooner.

Policy E4 of the Lancaster District Local Plan states that within areas identified as Countryside development will only be permitted where it:

- Is in scale and keeping with the character and natural beauty of the landscape
- Is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping
- Would not result in a significant adverse effect on nature conservation or geological interest, and
- Makes satisfactory arrangements for access, servicing, cycle and car parking.

The working life of the quarry is expected to extend over at least another ten years. Because of its position on the quarry floor the batching plant is not readily visible from outside the site. There is no reason to object to the granting of a further permission.

HUMAN RIGHTS IMPLICATIONS

Two sections of the Human Rights Act are relevant to the application: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City and County Councils to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATION

That Lancashire County Council be advised that the City Council has **NO OBJECTIONS** to the granting of a further limited period consent.

LOCAL GOVERNMENT ACT 1972**List of Background Papers****Schedule of Planning Applications for Consideration by
Planning Committee on 18 September 2006**

For each of the planning applications being considered, the planning file, including any relevant correspondence, consultation and neighbour responses, is part of the relevant background papers.

More particularly, in addition to the above, the following documents are relevant: -

- A5 Planning application nos. 06/00306, 02/00021, 06/00131
- A9 Planning application no. 03/00884
- A11 Planning application no. 02/00580
- A12 Planning application no. 05/01334
PPS7 – Sustainable Development in Rural Areas
- A15 SPG16
- A16 Planning application no. 04/00886
- A18 Planning application no. 01/88/1247
- A19 Planning application nos. 04/00327 and 06/00510
Joint Lancashire Structure Plan 2001-2016
- A20 Planning application no. 03/00449
Joint Lancashire Structure Plan 2001-2016
Regional Planning Guidance
- A21 Planning application no. 87/00773
- A22 SPG16
- A23 Planning application nos. 87/00773 and 98/01135
Planning Policy Guidance Note 13 'Transport'
PPG13
- A24 Planning application no. 98/00495

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LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
05/01615/LB	Thurnham Hall, Higher Thurnham, Thurnham Listed Building application for disabled facilities including ramps and demarcation for Sunterra Europe	Application Permitted
06/00182/FUL	Thurnham Hall, Lancaster Road, Cockerham Application for disabled access facilities including ramps and demarcation, new paving and handrails for Sunterra	Application Permitted
06/00336/FUL	Old Waterslack Farmhouse, Waterslack Road, Silverdale Erection of Field Shelter and Feed Machinery Store for Mr B Heavy	Application Permitted
06/00536/REM	Land R/o 85-91, North Road, Carnforth Approval of Reserved Matters for erection of a new dwelling for Mr P Yates	Application Permitted
06/00541/ADV	J Cole Handyman's Builders Stores, Torrisholme Square, Morecambe Retrospective application for the erection of externally illuminated fascia signs for David A Farrer Ltd	Application Refused
06/00627/ADV	Kayes Nursery Gardens, (Formerly Waithman Nurseries), 36 Lindeth Road Erection of advertising board and hanging sign for N Lawrie	Application Permitted
06/00636/FUL	14 Gardner Road, Warton, Carnforth Erection of an extension to the lounge for Mr And Mrs P Doey	Application Permitted
06/00647/FUL	The Vicarage, Chapel Lane, Overton Amendment to application no. 03/01599/REM to provide a 4 bed and 5 bed dwelling for John Wiener Limited	Application Permitted
06/00659/FUL	23 Rylstone Drive, Heysham, Morecambe Erection of a two storey side extension for Mr And Mrs M T Williams	Application Refused
06/00660/FUL	3 Owen Road, Lancaster, Lancashire Installation of timber screening panels and retrospective application for the installation of a rear extraction unit for K C Wan	Application Permitted
06/00686/FUL	Woodside Holdings, Swarthdale Road, Over Kellet Carnforth Application for the retention of a stable for Mr Barker	Application Permitted
06/00703/FUL	Newland Home Farm, Starbank, Ellel Erection of a replacement store building for Messrs Halhead	Application Permitted
06/00707/FUL	The Barn, Hampson Lane, Ellel Erection of a two storey side extension for Mrs G Russell	Application Permitted
06/00709/FUL	195 Bowerham Road, Lancaster, Lancashire Application for retention of temporary portacabin office accommodation for Lancaster Veterinary Centre	Application Permitted
06/00710/FUL	Old Hall Farm, Road From Dale House To High Barn Past Rose Cottage Off Toddgill Road, Ireby Renovation of three residential cottages to form one permanent residential dwelling and two holiday cottages with associated parking for Mr And Mrs Kay	Application Permitted

06/00718/FUL	Former Acordis Polymers, Caton Road, Quernmore Erection of a free standing canopy and plinth for display of vehicle for Dennison Trailers	Application Permitted
06/00719/FUL	Royal Lancaster Infirmary, Ashton Road, Lancaster Renewal of temporary permission 00/1176/CU for use of land as temporary car park for RLI staff for Ripley St Thomas	Application Permitted
06/00724/FUL	Lancaster University Boat Club, Denny Beck Lane, Quernmore Erection of a storage container for canoes for Lancaster University Estates Office	Application Permitted
06/00733/CU	Red Bank Farm, The Shore, Bolton Le Sands Change of use and conversion of barn to form cafe and kitchen ancillary to existing tourism activities for Mr Mark Archer	Application Permitted
06/00734/LB	Red Bank Farm, The Shore, Bolton Le Sands Listed building application for the change of use and conversion of barn to form cafe and kitchen ancillary to existing tourism activities for Mr Mark Archer	Application Permitted
06/00739/FUL	Christ Church, Wyresdale Road, Lancaster Construction of an access ramp and steps to principle entrance for Christ Church PCC	Application Permitted
06/00744/CU	Low West End Farm, Hornby Road, Claughton Change of use of redundant barns to light industrial workshops with ancillary parking and roadway for Mr And Mrs Thomas	Application Permitted
06/00747/FUL	9 Cavendish Road, Heysham, Lancashire Erection of a dwelling and detached garage for Ward Builders (Tipton) Ltd	Application Permitted
06/00749/CU	324 Marine Road Central, Morecambe, Lancashire Change of use of hotel into dwelling for A And B A Norton	Application Permitted
06/00757/FUL	Capernwray Caravan & Camp Site, Capernwray Road, Over Kellet, Carnforth Extension to period of opening to cover 1 March to 15 January for Mr Roy Smith	Application Permitted
06/00760/CU	9 Greenwood Avenue - Field Adjoining, Bolton Le Sands, Carnforth Change of use of field into sand paddock for Mr M.H. Lindsay	Application Refused
06/00762/FUL	16 Oxcliffe Avenue, Heysham, Morecambe Construction of a dormer to the rear and four velux windows to the front for Mrs J Read	Application Permitted
06/00764/FUL	25 Peel Crescent, Lancaster, Lancashire Erection of a pigeon loft at the rear of the garden for Alexander Joseph Haggan	Application Refused
06/00767/LB	18 Brock Street, Lancaster External fire escape at rear for Mrs H Jump	Application Permitted
06/00773/CU	Greendales Leisure Park, Carr Lane, Middleton Change of use of stable building to create holiday accommodation for Mr Brian Molyneux	Approved After Call In By Sec Of State

06/00774/FUL	1 Grizedale Place, Heysham, Morecambe Erection of a two storey extension to the side for Mr M Turner	Application Refused
06/00777/FUL	103 Barton Road, Lancaster, Lancashire Erection of first floor extension over existing lounge to form additional bedroom for Mr And Mrs N Hodson	Application Permitted
06/00778/CU	Greendales Leisure Park, Carr Lane, Middleton Change of use of land from recreational area to siting of 9 static caravans for Mr Brian Molyneux	Application Withdrawn
06/00779/FUL	2 Morecambe Street West, Morecambe, Lancashire Erection of a new shop front for Mrs P Duffy	Application Permitted
06/00780/FUL	South Tilery Cottage, Postern Gate Road, Quernmore Erection of a two storey extension and detached garage for Mr And Mrs M J Wain	Application Refused
06/00783/FUL	200 Brookhouse Road, Brookhouse, Lancaster Construction of front and rear dormers for Mr And Mrs Longhorn	Application Permitted
06/00790/FUL	33 - 35 Penny Street, Lancaster, Lancashire Installation of glass doors to replace existing shutter and improvements to existing shop front for River Island Clothing Co	Application Permitted
06/00791/FUL	35 Stanhope Avenue, Morecambe Demolition of existing conservatory and erection of a new conservatory to the rear for Mr J Day	Application Permitted
06/00793/FUL	21 Grosvenor Court, Carnforth, Lancashire Erection of a single storey extension to side, creation of new vehicular access and erection of detached garage for Mr R Harris	Application Permitted
06/00794/FUL	Land Adjacent Briarscroft Grange View Millhead Warton Lancashire, Graham Street, Morecambe Repositioning of car port and first floor extension and conversion of existing garage to study/lounge on plot 1 approved under application no. 04/00910/REM for Henry Iddow & Sons Ltd	Application Permitted
06/00802/FUL	The Barn, Cockle Hill, Over Kellet Erection of a detached double garage for Mr And Mrs Bainbridge	Application Permitted
06/00803/FUL	Red Lodge, Biggins Lane, Whittington Alterations and extensions for Mr And Mrs G Bell	Application Permitted
06/00805/FUL	Belmont Farm, Hasty Brow Road, Hest Bank Erection of a building to cover existing silo for Mr R Hoggarth	Application Permitted
06/00806/FUL	Belmont Farm, Hasty Brow Road, Hest Bank Erection of extension to silo building for Mr R Hoggarth	Application Permitted
06/00807/ELDC	55 Westminster Road, Morecambe, Lancashire Certificate of Lawful Use as a single dwelling for Mr M Grant	Application Permitted
06/00813/FUL	30 Dunkirk Avenue, Carnforth, Lancashire Erection of a two storey extension to side for Mr And Mrs Pedley	Application Permitted

06/00815/FUL	6 Brookholme Court, Lancaster, Lancashire Reduction of garden area to front of house by extending existing block paving for Lorraine Birch	Application Permitted
06/00816/ADV	85 Penny Street, Lancaster Erection of an internally illuminated fascia sign and illuminated projecting sign for Swinton Colonade	Application Refused
06/00819/FUL	27 Princes Crescent, Morecambe, Lancashire Erection of a single storey extension to the rear for Mrs S Chapman	Application Refused
06/00820/CU	11 Lune Drive, Morecambe, Lancashire Change of use of land to form an extension to domestic curtilage and erection of a fence adjacent to a highway for Mr John Burgess	Application Permitted
06/00824/FUL	Applewood, Upphall Lane, Priest Hutton Installation of solar water heating panels on roof for Graham Brady	Application Permitted
06/00825/FUL	2 Bradshawgate Drive, Silverdale, Carnforth Erection of a conservatory to the rear for Mr Robin Daw	Application Permitted
06/00827/FUL	18 Main Road, Bolton Le Sands, Carnforth Erection of a conservatory to the rear for Mr S Tomkin	Application Permitted
06/00829/FUL	2 Ridge Grove, Heysham, Morecambe Erection of a two storey extension to the side for Mr And Mrs Andrew Ord	Application Permitted
06/00836/AD	Boldens Farm, Langshaw Lane, Ellel Application for agricultural determination for the erection of a silage clamp for G And M E Woodhouse And Sons	Further Details Not Required (AD/PA)
06/00837/FUL	3 Westover Grove, Warton, Carnforth Renewal of application 01/00806/FUL for the erection of one side dormer for Mr S Beveridge	Application Permitted
06/00838/FUL	Safeguard Storage, Warton Road, Carnforth Erection of an office extension for TDG Ltd	Application Permitted
06/00840/FUL	35 Croft Avenue, Hest Bank, Lancaster Demolition of existing garage and erection of a new garage on same site for Mr M J Wakelin	Application Permitted
06/00841/FUL	11 Ashbourne Grove, Morecambe, Lancashire Demolition of rear extension and erection of single storey extension to the rear for Mr And Mrs G Kane	Application Permitted
06/00843/FUL	14 Bridgeside, Carnforth, Lancashire Retrospective application for new decking to rear garden for Mr And Mrs Wightman	Application Refused
06/00844/FUL	Ellel St Johns C Of E Primary School, Chapel Street, Galgate Erection of a single storey classroom for IT facilities for The School Governors	Application Permitted
06/00845/FUL	Slyne With Hest C Of E School, Shady Lane, Hest Bank Erection of single storey extension, incorporating classroom extensions, offices, reception, disabled w.c. and storerooms for The School Governors	Application Permitted

06/00846/FUL	3 Beech Grove, Morecambe, Lancashire Erection of a conservatory to the rear for Mrs Hicks	Application Permitted
06/00848/LB	School House, Lancaster Royal Grammar School, East Road Listed Building Application for removal of existing glazed screen and door and installation of a new fire escape door by creating a new opening in existing wall and to divide an existing classroom with lightweight partitions and screens for The Governors, Lancaster Royal Grammar School	Application Permitted
06/00849/FUL	64 Westham Street, Lancaster, Lancashire Erection of a single storey extension to the rear for Mr And Mrs P Lennon	Application Permitted
06/00851/ELDC	Greta Bridge Barn, Melling Road, Cantsfield Application for Lawful Development Certificate for use of barn as a dwellinghouse for Mr And Mrs Ray	Application Permitted
06/00852/FUL	Primrose Cottage, Main Street, Wray Erection of a ground and first floor extension to the rear for J And H Staveley	Application Permitted
06/00853/FUL	16 Eden Park, Lancaster, Lancashire Erection of single storey extension to rear and dormer window in existing rear roof for Mr And Mrs Porteus	Application Permitted
06/00854/FUL	2 Warren Drive, Hest Bank, Lancaster Construction of a dormer to the rear for Fairfield Developers Ltd	Application Permitted
06/00855/FUL	Farm Building, Wellington View Farm, Bay Horse Road Retrospective application for the refurbishment of farm building for DST Group Ltd	Application Refused
06/00857/CU	1/3 Rosemary Lane, Lancaster, Lancashire Change of use application to form second hot food takeaway for Mr D Stankov	Application Permitted
06/00859/CU	The Coach House, Main Road, Burrow Change of use and conversion of former workshop to domestic dwelling and erection of associated garage for Mr And Mrs P Birchall	Application Refused
06/00863/FUL	18 Brock Street, Lancaster, Lancashire Construction of and external fire escape to the rear for Mrs H Jump	Application Permitted
06/00871/FUL	Unit 3 Old Station Yard, Burrow, Carnforth Alterations and extensions of industrial units to form additional workshop space for Mortimers Fabricators Ltd	Application Permitted
06/00874/FUL	12 St Pauls Drive, Lancaster, Lancashire Demolition of a shed, erection of a garage and a single storey rear extension for Mr C J Kaighin	Application Permitted
06/00875/FUL	10 St Pauls Drive, Lancaster, Lancashire Erection of a rear porch for Mr H Robinson	Application Permitted
06/00878/AD	Hoggets Lane Farm, Kirkby Lonsdale Road, Over Kellet Application for agricultural determination for the erection of a cattle building for Mr John Robinson	Further Details Not Required (AD/PA)

06/00883/FUL	25 Park Road, Lancaster, Lancashire Demolition of existing rear 2 storey outrigger and erection of new 2 storey outrigger for Mr D Mark	Application Permitted
06/00885/FUL	9A Lathom Avenue, Morecambe, Lancashire Extension to lounge to rear, 1st floor extension over kitchen and side extension to form shower room/toilet for Mrs. Riley	Application Permitted
06/00887/FUL	31 Lymm Avenue, Lancaster, Lancashire Construction of new tiled roof to existing conservatory at the rear for Mr Graham Lockley	Application Permitted
06/00888/FUL	White Cross Industrial Estate, South Road, Lancaster Replacement of existing windows at Cameron House for Lancashire County Developments Limited	Application Refused
06/00890/FUL	Peter Grant Paper Mill, Caton Road, Lancaster Removal of damaged glazed and plywood wall to be replaced with steel and translucent sheeting to match existing cladding for Peter Grant Paper Mill	Application Permitted
06/00891/FUL	8 Waltham Court, Halton, Lancaster Erection of a single storey extension to the rear for Mr G Drinkall	Application Withdrawn
06/00896/FUL	31 Yealand Road, Yealand Conyers, Carnforth Demolition of existing single storey building and erection of a two-storey extension for Mr M Allen	Application Permitted
06/00897/FUL	10 Seymour Avenue, Heysham, Morecambe Erection of two dormer and one velux window on west elevation and one dormer and two velux windows on east elevation for Mr And Mrs S Howard	Application Permitted
06/00905/FUL	45 Wordsworth Avenue, Bolton Le Sands, Carnforth Demolition of existing conservatory and erection of a new conservatory to the rear for Mr And Mrs Goodchild	Application Permitted
06/00907/CU	Former Healing Hands, Bulk Street, Lancaster Change of use to office space for financial advisor for Mr Duncan Hall	Application Permitted
06/00908/CU	Land Adjacent Birch Cottage And Fell View Barn, Eight Acre Lane, Yealand Redmayne Change of use of agricultural land to domestic curtilage and creation of new access road for Mr And Mrs Gallagher	Application Permitted
06/00909/FUL	23 Westmoor Grove, Heysham, Morecambe Erection of a conservatory to the rear for Mr Woodbury And Miss Donnelly	Application Permitted
06/00910/FUL	78 Hornby Road, Caton, Lancaster Erection of a two storey extension with balcony for Mr And Mrs Messina	Application Permitted
06/00911/FUL	101 Croftlands, Warton, Carnforth Erection of a rear conservatory for Mr And Mrs Dugdale	Application Permitted
06/00913/FUL	15 Tibicar Drive West, Heysham, Morecambe Demolition of existing garage and erection of a new garage to the rear for Mr J P Williams	Application Permitted

06/00914/FUL	19 Tibicar Drive West, Heysham, Morecambe Demolition of existing garage and erection of a new pitched roof to garage and extension thereto to form utility/store for Mr P Singleton	Application Permitted
06/00917/FUL	Water Treatment Works, Littlefell Lane, Lancaster Erection of a new ultra violet disinfection building and control kiosk with new access road and fencing and associated landscaping for United Utilities North West	Application Permitted
06/00928/FUL	Yealand Conyers C Of E Primary School, Footeran Lane, Yealand Redmayne Siting of temporary classroom accommodation for Yealand Conyers C Of E Primary School	Application Permitted
06/00931/FUL	Lower Salter, Hornby Road, Roeburndale Alterations and extensions for Sheila Lord	Application Permitted
06/00943/ADV	Multiplex Cinema, Anchor Lane, Lancaster Erection of various signs for G F Holdings	Application Permitted
06/00944/ADV	Multiplex Cinema, Anchor Lane, Lancaster Erection of a stand alone totem sign at Market Street entrance for G F Holdings	Application Refused
06/00946/FUL	106 Torrisholme Road, Lancaster, Lancashire Construction of side and rear dormers for Mr And Mrs Knipe	Application Refused
06/00949/FUL	2 Barnacre Close, Lancaster, Lancashire Erection of a single storey extension to the rear for Mr Stuart Morris	Application Permitted
06/00956/FUL	12 Pedder Road, Overton, Morecambe Erection of a conservatory to rear for Mr And Mrs Barlow	Application Permitted
06/00958/FUL	429 Marine Road East, Morecambe, Lancashire Erection of a conservatory to rear for Qualtas Property LLP	Application Permitted
06/00990/FUL	185 Bare Lane, Morecambe, Lancashire Erection of a single storey side extension and conversion of loft to form extra bedroom for Mr And Mrs J Fletcher	Application Permitted

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APPEAL STATISTICS SEPTEMBER 2006

<u>APP NO.</u>	<u>TYPE</u>	<u>APPELLANT</u>	<u>DEVELOPMENT</u>	<u>SITUATION</u>
ENF Appeal	IH	M Wilson	Land at Out Moss Lane, Morecambe Siting of 2 gypsy caravans and mobile toilet/shower block	APPEAL DISMISSED 14/06/06
ENF	WR	Mr H Bowring and Mr A Lewis	Land Opposite The Plough Inn, Main Road, Galgate Siting of a residential caravan	Start Date 14/12/05 Interested Parties Informed 20/12/05 Questionnaire Posted 21/12/05 Appeal Held In Abeyance
05/01071	IH	Mr K and Mrs P Marshall	Cransfield Cottage, Littledale Road, Caton Removal of condition 5 on application 83/1018 regarding occupancy restrictions	APPEAL ALLOWED 03/05/06
05/00913	IH	Mr P Smith	Land at Ashton Road, Lancaster Retrospective application for the change of use of land for the retention of a temporary agricultural workers dwelling and ancillary decking area and access track.	Start Date 14/12/05 Interested Parties Informed 20/12/05 Questionnaire Posted 21/12/05 Statement Posted 16/01/06
05/00709	IH	Mr D Ibbetson	Little Scar Farm, Hornby Road, Roeburndale Outline application for the erection of an agricultural workers dwelling	Start Date 03/02/06 Interested Parties Informed 06/02/06 Questionnaire Posted 09/02/06 Statement Posted 15/03/06
05/00925/CU	WR	C and A Broadbent	Ivy Cottage, Quernmore Retention of change of use of land from agricultural field to children's play area	APPEAL DISMISSED 15/06/06
ENF	WR	C and A Broadbent	Ivy Cottage, Quernmore Retention of change of use of land from agricultural field to children's play area	APPEAL DISMISSED 15/06/06

05/01272/CU	WR	Mr J Burgess	11 Lune Drive, Heaton With Oxcliffe Change of use of land to form an extension to domestic curtilage and erection of a 2m high fence adjacent to a highway	APPEAL DISMISSED 23/06/06
05/01310/CU	WR	Mrs Bennett	26a Endsleigh Grove, Lancaster Continuation of use of land to form extension to residential garden	APPEAL DISMISSED 26/06/06
05/00103/OUT	PI	Countryside Properties (Northern) Ltd	Luneside West (formerly Forbo Kingfisher), Lune Industrial Estate, Lancaster Outline application for a mixed use development comprising 356 housing units, 136305 sq ft of industrial/commercial usage including a neighbourhood centre, car parking and means of access	Start Date 14/06/06 Interested Parties Informed 21/06/06 Questionnaire Posted 27/06/06 Statement Posted 25/07/06 Inquiry Date 16/01/07 for 6 days
05/01159/OUT	WR	M Rogerson	Bay Horse Garage, Abbeystead Lane Dolphinholme Outline Application for residential development	Start Date 12/07/06 Interested Parties Informed 14/07/06 Questionnaire Posted 20/07/06 Statement Posted 18/08/06
05/01579/FUL	WR	B Sanderson	6 Rushley Drive, Hest Bank Retention of rear side boundary fence.	Start Date 26/06/06 Interested Parties Informed 28/06/06 Questionnaire Posted 30/06/06 Statement Posted
06/00145/CU	WR	Mr Toynbee	40 - 41 Sandylands Promenade, Heysham Change of use and conversion of single dwelling into two houses	Start Date 27/07/06 Interested Parties Informed 31/07/06 Questionnaire Sent 07/08/06 Statement Sent 04/09/06
06/00531/FUL	WR	Mr Hanley & Miss Kelley	The Spinney, Castle Park Monteagle Square, Hornby	Start Date 21/08/06 Interested Parties Informed 24/08/06 Questionnaire Posted

PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Revised Procedure for Responding to Consultations on Planning Applications being determined by the County Council

18th September 2006

Report of Head of Democratic Services

PURPOSE OF REPORT

<p>To establish a procedure in cases where the County Council needs to determine matters within 21 days, which are not already covered by the authorised Scheme of Delegation, as set out within the City Council's Constitution.</p>

<p>This report is public.</p>

RECOMMENDATIONS

- (1) That the revised procedure set out in option 1 in the report for responding to County Council applications be adopted.
- (2) That the Monitoring Officer implement the necessary consequential amendment to the Constitution.

1.0 Introduction

- 1.1 At the Planning and Highways Regulatory Committee meeting on 20th February 2006 (Minute No. 225 refers), Officers were requested to investigate a procedure for seeking the views of Group Spokespersons on those planning applications which would have been reported to the Committee, but which require determination by the County Council within 21 days.

2.0 Proposal Details

- 2.1 The majority of County Council applications are for minor development, e.g. minor extensions to buildings, and the City Council's consultation response is determined by the Head of Planning Services under the Scheme of Delegation in the usual manner. However, there are a number of "major" or more significant applications that are reported to Committee for Members' consideration relating to both County Council developments and minerals and waste applications.

- 2.2 Problems have arisen recently due to the County Council wishing to deal with its own applications more quickly in order to improve their performance and being insistent on the City Council's response within the statutory 21-day period. Hence the reason for Committee's request to investigate an alternative procedure.
- 2.3 It is still intended that those more significant or controversial planning applications will be presented to the Planning and Highways Regulatory Committee, as at present, and a time extension sought and agreed with the County Council if necessary to facilitate this.
- 2.4 It is hoped that in the majority of instances the County Council will be in agreement to such an extension, particularly as it is more than likely that it will be taking the application to its own Committee and therefore determining it over a longer time period, in any case. The proposed delegation to either the Head of Planning Services or to a small sub-committee is therefore only intended for use on the rare occasions when such a time extension is not made available and the application does not fall within the existing delegated arrangements.

3.0 Details of Consultation

- 3.1 The Head of Planning Services supports the proposed procedure in the case of major but non-controversial applications. It is his intention to continue to use his discretion as per the existing delegation agreement to ensure that County cases involving potential controversy continue to go before Members.

4.0 Options and Options Analysis (including risk assessment)

4.1 Option 1

That the Head of Planning Services be authorised to respond on behalf of the City Council in relation to County Council applications where a time extension to the consultation period has not been agreed, provided the Head of Planning Services seeks such an extension whenever appropriate and in particular in respect of major, potentially controversial applications.

4.2 Option 2

That the Head of Planning Services be authorised to respond on behalf of the City Council, following consultation with Members of the Planning Committee appointed by Groups on a PR basis (and previously notified by Group Administrators to the Head of Democratic Services). This consultation with the appropriate Members will be undertaken electronically with the Member being invited to indicate their views on the application within the time period set to meet the consultation deadline. It will be assumed that if no response is received from the Member involved, there are no objections. The formal response to the County Council will be drafted to reflect the majority view and observations made and qualified, where necessary, to request conditions to cover issues arising.

4.3 Option 3

That a small Sub-Committee be established on a PR basis, which can be called as required at short notice. The Head of Planning Services will prepare a draft recommended response for the Sub-Committee to consider and agree the City Council's formal response.

4.4 In the case of both Options 2 and 3 the minimum number required to ensure that all political groups are represented at the current time is 6 (2:1:1:1:1) although the Council has been in the practice of establishing small groups with 7 members (2:2:1:1:1).

5.0 Officer Preferred Option

5.1 The officer preferred option is option 1 as this is the most effective method to achieve a response in a short time frame. Should Members wish, however, for some political input, officers would recommend option 3 to enable Members to discuss the issues and receive appropriate professional planning advice in considering their response.

6.0 Conclusion

6.1 Members requested that Officers investigate a procedure in cases where the County Council needs to determine matters within 21 days, and approval of such a procedure is sought.

6.2 This will require an amendment to the Constitution – Part 3, Section 5 – to include whichever option is approved in the current delegation arrangements.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>No direct implications arising from the report.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no direct financial implications as a result of this report</p>	
<p>SECTION 151 OFFICER’S COMMENTS</p> <p>The S151 has been consulted and has no comments.</p>	
<p>LEGAL IMPLICATIONS</p> <p>There are no direct legal implications as a result of this report. Approval of a new procedure will require an amendment to the scheme of delegation contained in the Council’s Constitution. This can be undertaken by the Monitoring Office in accordance with Article 15.</p>	
<p>MONITORING OFFICER’S COMMENTS</p> <p>The Monitoring Officer has been consulted and has no further comments.</p>	
<p>BACKGROUND PAPERS</p> <p>None</p>	<p>Contact Officer: Jane Glenton Telephone: 01524 582068 E-mail: JGlenton@lancaster.gov.uk Ref: JEG</p>

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