



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 22ND JANUARY 2007

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 18th December 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.

5 A5 06/01410/FUL Redwell Fish Farm, Kirkby Lonsdale Kellet Ward (Pages 1 - 4)
Road, Over Kellet

Retention of land remodelling and proposed raising of existing ground levels at South West corner of site for Mr K Hall

6 A6 06/01510/FUL Field 2619 Low Road Halton-With-Aughton Halton-with-Aughton Ward (Pages 5 - 12)

Erection of an extension to existing stable block for Mr Barry & Mrs Jill Cragg

7	A7 06/01513/LB	29 Castle Hill, Lancaster	Castle Ward	(Pages 13 - 14)
		Listed Building Consent to demolish 2 no chimney stacks for Norman Jackson Contractors Ltd		
8	A8 06/01503/FUL	Far Lodge, Bay Horse Road, Quernmore	Lower Lune Valley Ward	(Pages 15 - 20)
		Retrospective application for the retention of an extension to previously approved water bottling plant for Mr David Gardner		
9	A9 06/01348/FUL	44 Sunnybank Road, Bolton-le-Sands, Carnforth	Bolton-Le-Sands Ward	(Pages 21 - 24)
		Erection of a two storey front extension for Mr & Mrs Scott Wilcock		
10	A10 06/01361/FUL	219 Marine Road Central, Morecambe	Poulton Ward	(Pages 25 - 26)
		Alterations to shop front for Mr D Barker		
11	A11 06/01363/LB	219 Marine Road Central, Morecambe	Poulton Ward	(Pages 27 - 28)
		Listed Building Application for alterations to shop front for Mr D Barker		
12	A12 06/01401/CU	Raisbeck, Kellet Road, Over Kellet	Kellet Ward	(Pages 29 - 32)
		Change of use of land for the storage of caravans, trailers and the sale of caravans including the creation of a bund for Woods Caravan Transport		
13	A13 06/01197/REM	Halton Mill, Mill Lane, Halton	Halton-with-Aughton Ward	(Pages 33 - 40)
		Reserved Matters Application for the erection of an apartment block comprising of 36 two bedroom units with associated car parking and servicing for Time and Tide Properties Ltd		

14	A14 06/01371/CU	Unit 1, The Old Co-Op Yard, Kellet Road, Carnforth	Carnforth Ward	(Pages 41 - 44)	
		Change of use of first floor to dance school/studio for Isobel Taylor			
15	A15 06/01349/FUL	Former Frontier Land Western Theme Park, Marine Road West, Morecambe	Harbour Ward	(Pages 45 - 56)	
		Erection of non food retail (A1) unit (Revision to unit approved via 05/00929/FUL) for W M Morrison Supermarkets Plc			

Category D Applications

Proposals for development by a District Council

16	A16 06/01370/DPA	Footpath 31, Knowlys Road, Heysham	Heysham Central Ward	(Pages 57 - 60)	
		Construction of shared use cycleway/footway for Lancaster City Council			

Background (Pages 61 - 62)

17 **Delegated List** (Pages 63 - 72)

18 **Appeal Statistics - January 2007** (Pages 73 - 74)

19 **Evaluation of Impact of High Hedges Legislation** (Pages 75 - 78)

Report of Head of Planning Services

20 **Assessment of Two Ornamental Cherry Trees Established on Land at Kingsway Former Bus Depot** (Pages 79 - 82)

Report of Head of Planning Services

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Roger Sherlock (Chairman), Eileen Blamire (Vice-Chairman), Ken Brown, Abbott Bryning, Keith Budden, Maggie Chadwick, Anne Chapman, Susie Charles, Chris Coates, Sheila Denwood, John Gilbert, Mike Greenall, Helen Helme, 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, 10th January 2007

DECISION DATE	APPLICATION NO.	PLANNING COMMITTEE:
20 February 2007	06/01410/FUL A5	22 January 2007
DEVELOPMENT PROPOSED		SITE ADDRESS
RETENTION OF LAND REMODELLING AND PROPOSED RAISING OF EXISTING GROUND LEVELS AT SOUTH WEST CORNER OF SITE		REDWELL FISH FARM KIRKBY LONSDALE ROAD OVER KELLET CARNFORTH LANCASHIRE LA6 1BQ
APPLICANT:		AGENT:
Mr K Hall Redwell Fisheries Kirkby Lonsdale Road Arkholme Carnforth LA6 1BQ		Derek Hicks And Thew

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Over Kellet Parish Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

County Council Planning - No objections, but the applicant may need to register the activity and obtain a Waste Management Licence from them.

County Council Highways - Observations awaited.

Environment Agency - Observations awaited.

OTHER OBSERVATIONS RECEIVED

Any representations received will be reported orally at Committee.

REPORT

Redwell Farm occupies an area on the south side of the Carnforth to Kirkby Lonsdale Road, to the east of Over Kellet. As well as a recreational fishery, with four linked lakes, the site contains a small seasonal touring caravan site.

The present proposal is for alterations to the south west part of the site, increasing the size of the embankments around the south western part of the lake complex. Some of the work has already started and the application is therefore partly retrospective in nature. At the time the enforcement complaint was investigated there was some concern that the proposal could involve waste tipping, which is a County Council responsibility, but it has been established that it is an engineering operation because inert fill is being used. The need to protect water quality in the fishing lakes means that the developer has every incentive to ensure that only "clean" fill is used.

The statement accompanying the application indicates that the fisheries were restocked in 1997 with carp. The lake also contains other species including bream, tench and rudd. It argues that remodelling of the embankments is necessary to reduce the risk of flooding from the lake into the adjoining field.

Policy E4 of the Lancaster District Plan states that within the area identified as countryside, development will only be permitted which:

- 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 interests, and
- Makes satisfactory arrangements for access, servicing, cycle and car parking.

The problem with the scheme as submitted is that building up the embankment as shown would result in the loss of a substantial part of the existing tree cover, which consists of a mix of species including alder, ash, silver birch, cypress, poplar, sycamore and willow. This would expose the caravan site to long distance views from the south, where it would be visible from the Halton to Redwell Road. In particular the layout shown on the plans involves the removal of a small peninsula of land in the south western lake which is quite densely planted. Because of their role in screening the caravans the trees have a significance outside the site and measures are now being taken to protect them with a Tree Preservation Order.

At the same time it is apparent that the applicant has been disregarding the condition attached to the 1998 consent which requires that the touring caravans should be present on the site only between 1 March and 31 October of each year. A site visit on 8 December revealed around 12 caravans on the site, some of which were clearly being used on a year basis. This matter has been referred to the enforcement team.

It should be possible to design an alternative scheme protecting most of the existing trees at the southern end of the site, and incorporating additional planting to replace any that were lost. This would enable sufficient tree cover to be retained to screen the caravan site in the summer months. However the proposal in its present form is unacceptable, and it is recommended that it should be refused consent.

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 are 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 REFUSED** for the following reasons:

1. Contrary to policy E4 of the Lancaster District Local Plan - loss of tree cover, detrimental to the amenities of the area.
2. Contrary to policy T07 of the Lancaster District Local Plan - loss of trees would expose the seasonal touring caravan site to view during the summer.

ADVICE

1. The developer's attention is drawn to the condition attached to the consent for the touring caravan site, which allows its use only between 1 March and 31 October of each year.
2. The developer is recommended to discuss an alternative design for the engineering works proposed retaining and reinforcing the existing tree cover along the south side of the site.
3. Depositing material on the site may require a Waste Management Licence from Lancashire County Council.

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DECISION DATE	APPLICATION NO.	PLANNING COMMITTEE:
8 February 2007	06/01510/FUL A6	22 January 2007
DEVELOPMENT PROPOSED		SITE ADDRESS
ERCTION OF AN EXTENSION TO EXISTING STABLE BLOCK		FIELD 2619 LOW ROAD HALTON-WITH-AUGHTON LANCASHIRE LOW ROAD HALTON LANCASHIRE
APPLICANT:		AGENT:
Mr Barry And Mrs Jill Cragg 13 Sykelands Avenue Halton LA2 69F		

REASON FOR DELAY

N/A

PARISH NOTIFICATION

None to date, any comments will be reported to Planning Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Within the Countryside area, bounded by the Forest of Bowland Area of Outstanding Natural Beauty

STATUTORY CONSULTATIONS**County Surveyor** - Views awaited**Environmental Health Services** - Views awaited**OTHER OBSERVATIONS RECEIVED**

None to date, any comments will be reported to Planning Committee.

REPORT

This form of application would normally be dealt with under the scheme of delegation, however, the land has been the subject of an earlier planning application which resulted in a number of objections being raised and the imposition of a Section 106 Planning Agreement to prevent the development of the site with further structures and mobile elements. The application has therefore been presented to the Planning Committee for determination.

Site and its Surroundings

The application site is located on Low Road approximately 200 metres from the eastern edge of Halton. The site comprises a 4.3 acre field with a frontage to Low Road. The southern part of the field is slightly lower than the adjacent Low Road with the remaining field rising steeply to the north. A 3.0m plus high hawthorn hedgerow runs along the field southern boundary with Low Road and returns into the site at the field access.

The Proposal

The current proposal seeks to erect a further stable building to those which currently exist at the site. The stable block will be attached to the end of the current building and is proposed to be constructed in matching timber and felt construction. The new stable building is 4.6m x 3.6m (15' x12') and is of a slightly larger size to house a currently pregnant mare and her foal following its birth. A letter from the applicant's veterinary surgeon outline the need for a larger stable than those currently erected on the site.

The new stable will extend the current building that comprises two stables and adjoining building contains a further stable and a storeroom. The total number of stables on the site being raised to four plus a storeroom.

Planning History

The site until 2003 formed part of a larger agricultural holding. This holding was subdivided and sold off in a number of separate lots. Following purchase of the land, the applicant submitted a planning application for the erection of a stable block under 03/01409/FUL. The application raised a number of concerns/objections and was subsequently approved at committee with the imposition of a Section 106 Planning Agreement to prevent the development of the site with further structures and mobile elements (copy of the agenda item enclosed).

Planning Policy

The site lies within the Countryside Area and is bounded by the Forest of Bowland Area of Outstanding Natural Beauty (AONB) as designated within the Lancaster District Local Plan. Policies E4 and E3 respectively relate to these land designations. Both these policies are developed to provide protection for the landscape, its character and natural beauty. Development would only be acceptable that did not have an adverse affect upon the landscape, was constructed to a scale/design and of materials appropriate to the locality. In addition, the development would not result in an adverse effect upon interests of nature conservation or geological importance. Policies 1 and 20 of the Lancashire Structure Plan are similarly aimed at protecting the rural landscape from inappropriate development, seeking to only grant consent for development that is appropriate to the rural area and is in keeping with the landscape character of the area.

Policy R10 of the Lancaster Local Plan relates to Equestrian Development within the countryside. The policy is supportive of equestrian development that is of an appropriate scale, design, materials and landscaping. In addition, development should not have an adverse impact upon wildlife habitat, best and most versatile land or public rights of way. Consideration is directed towards the location of these forms of development close to existing settlements.

Comments

The earlier application recommended refusal of the development as it was considered that the development would have an adverse impact upon the character of the area and the neighbouring Forest of Bowland AONB. Members considered the proposals acceptable subject to the imposition of additional controls over the land in the form of a Section 106 Agreement. The agreement sought to restrict the site

from further development and restricted the siting of mobile field shelters and other such items which do not require the benefit of planning consent but have an impact upon the character of the landscape.

Since the time of the original application the hedgerow running along Low Road has been allowed to grow and currently stands over 3.0m high and screens the existing stable complex from the adjoining road. The new stable building would also enjoy the benefit of screening from the roadside elevation by the hedgerow. The whole of the stable complex is visible from a public footpath which crosses the field and looks down on the group of buildings. This public aspect will not be screened and the additional stable building will also be visible.

It is considered that given the historic planning decisions and the improvement to the screening of the site from Low Road, the addition of a further stable block is acceptable in principle. It is also worth pointing out that the site appears to have been well run and managed in the last 3 years and has caused no particular problems. The group of buildings and the hardcore standing/turning area is still clearly visible from the public footpath which crosses the site. The imposition of a planning condition which seeks the planting of an additional hedgerow to the edge of the hardcore area would aid the long term screening of the complex from public view.

Conclusion

The development should be granted with the attachment of suitable conditions to ensure additional planting and to control the use of the stable building. The Section 106 Agreement will require amendment to reflect the scale of development approved under this application. The other restrictions detail within the Agreement will need to be maintained to prevent the accretion of equestrian relating paraphernalia and the siting of mobile field shelters.

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 the expiration of the site notice and consultation period and no significant objections being raised that **PERMISSION BE GRANTED** following the modification of the existing Section 106 Planning Agreement with the following conditions: -

1. Standard time 3 year time limit.
2. Development to be built in accordance with the approved plans.
3. The development is for private use only, no commercial activity to take place at the site.
4. As may be required by the consultees.

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DECISION DATE	APPLICATION NO.	SCHEDULE NO:
	03/01409/FUL	A12
DEVELOPMENT PROPOSED	SITE ADDRESS	
ERCTION OF A STABLE BLOCK FOR HORSES.	FIELD 2619 LOW ROAD HALTON-WITH-AUGHTON LANCASHIRE	
APPLICANT:	AGENT:	
Mrs J Cragg C/o Agent	Mason Gillibrand Architects	

REASON FOR DELAY

Awaiting additional information

PARISH NOTIFICATION

None to date, any comments will be reported to committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Within the Countryside area, bounded by the Forest of Bowland Area of Outstanding Natural Beauty

STATUTORY CONSULTATIONS

County Highways - The development is to be accessed via an existing field access. The access has limited visibility but given the existing nature of the use a valid objection could not be raised subject to restriction of the stabling to this scale of proposal and non-commercial use.

Shell UK - The field within which the stable block is located is affected by the line of the Shell North Western Ethylene Pipeline but would raise no comments in respect of the proposed development.

OTHER OBSERVATIONS RECEIVED

7 letters of objection have been received from local residents. The grounds for objection include: -

- Concerns over localised flooding of the field and possible ground water contamination from manure storage.
- A public footpath crosses the field and its use for horses is inappropriate.
- The proposed design, materials and appearance of the stable block is inappropriate for the location within the landscape bordering the Forest of Bowland AONB.
- Concerns over the long-term use of the site for commercial purposes including livery stables.
- The existing access into the field is substandard.
- The route of an Ethylene Pipeline crosses the site.
- The stable block is of an inappropriate size and scale for its rural location.

REPORT

This form of application would normally be dealt with under the scheme of delegation, however, following concerns raised by local residents and the local councillor has requested that the application is presented to the planning committee for determination.

Site & its Surroundings

The application site is located on Low Road approximately 200 metres from the eastern edge of Halton. The site comprises a 4.3 acre field with a frontage to Low Road. The southern part of the field is slightly lower than the adjacent Low Road with the remaining field rising steeply to the north. A 1.5m high hawthorn hedgerow runs along the fields southern boundary with Low Road.

The proposal

The proposal seeks consent for the erection of a stable block 9.0m long x 3.6m wide x 3.5m high. The stables comprise three bays a central open shelter and stabling to either side of the open shelter. The building is constructed of a light coloured tongue and groove timber boarding with a green felt roof. The stable stands on a concrete base and is to be surrounded by crushed stone.

Planning History

The site has no direct planning history and until recently formed part of a larger agricultural holding.

Planning Policy

The site lies within the Countryside Area and is bounded by the Forest of Bowland Area of Outstanding Natural Beauty (AONB) as designated within the Lancaster District Local Plan. Policies E4 and E3 respectively relate to these land designations. Both these policies are developed to provide protection for the landscape, its character and natural beauty. Development would only be acceptable that did not have an adverse affect upon the landscape, was constructed to a scale/design and of materials appropriate to the locality. In addition, the development would not result in an adverse effect upon interests of nature conservation or geological importance. Policies 1 and 25 of the Lancashire Structure Plan are similarly aimed at protecting the rural landscape from inappropriate development, seeking to only grant consent for development that is appropriate to the rural area and is in keeping with the landscape character of the area.

Policy R10 of the Lancaster Local Plan relates to Equestrian Development within the countryside. The policy is supportive of equestrian development that is of an appropriate scale, design, materials and landscaping. In addition, development should not have an adverse impact upon wildlife habitat, best and most versatile land or public rights of way. Consideration is directed towards the location of these forms of development close to existing settlements.

Comments

The site is located within the Countryside Area on the boundary of the Forest of Bowland AONB. This location is in a sensitive rural landscape and warrants special attention in respect of the form, design and impact of any new development. As submitted the proposals were unclear and clarification was sought as to the precise size, detail and external finish of the proposed stable block. Consultation responses were also awaited particularly in respect of the possible impact of the development upon the ethylene pipeline that crosses diagonally through the application field.

Following submission of the application the applicant has become increasingly concerned over the condition of the horses on the field. They had no shelter from the winter conditions and had been diagnosed as 'losing condition' by a veterinary surgeon. In order to address these concerns over the welfare of the horses, the applicant sited a mobile shelter close to the southern boundary of the field in a position similar to that of the proposed stable block.

The mobile shelter is designed in such a manner as to be moveable, mounted upon sleds. Recent planning case law has determined that this form of mobile shelter does not constitute development and does not therefore require the benefit of planning consent for its siting. However, the shelter still has a presence within the field and the wider landscape. The shelter is relatively low and is screened from



Low Road when viewed from the west (Halton). However it is clearly visible from the east on approach from Caton and from the public footpath that crosses the field east-west at a more elevated position.

Following receipt of precise information in respect of the scale, materials and design of the stable block which does require planning consent it was considered that in isolation that the proposal would have been appropriate, subject to siting and the timber boarding being stained a darker colour (green or brown). However, it is considered that the cumulative impact of both the proposed stable block and the siting of the mobile shelter would be detrimental to the character and quality of the landscape. The field bounds the Forest of Bowland AONB and the stables/shelter and would be viewed from the elevated public footpath across and into the AONB.

This cumulative effect is of particular concern as the neighbouring field has also been recently sold as a separate lot and could result in a similar equestrian presence, a feature and trend more commonly seen within the district and across the country.

In an attempt to address these concerns the applicant was approached to consider whether a legal agreement could be entered into which sought the removal of the mobile shelter and the maintenance of the field clear of such structures in the future upon granting of consent for the stable block. However the applicant has only indicated a willingness to enter a legal agreement to control future structures/shelters in the field providing the recent bought and sited mobile shelter is allowed to remain in addition to the proposed stable block. This is not acceptable from a planning view point.

Conclusion

It is considered that the impact of both the mobile shelter and the proposed stable block would have an adverse impact upon the character and landscape quality of this sensitive rural location. The proposal would therefore be contrary to policies E3, E4 and R10 of the Lancaster District Local Plan and Policies 1 and 25 of the Lancashire Structure Plan. The proposal should therefore be resisted.

HUMAN RIGHTS ACT IMPLICATIONS

It is recognised that a recommendation of refusal would result in an interference with the applicant's human rights. However, on the facts of this case it is considered both necessary and proportionate to interfere in the public interest in light of the concerns set out in this report and for the stated reasons.

RECOMMENDATIONS

That **PERMISSION IS REFUSED** for the following reasons: -

1. Proposal is contrary to policies E3 and E4 of the Lancaster District Local Plan.
2. Proposal is contrary to policy R10 of the Lancaster District Local Plan.
3. Proposal is contrary to policies 1 and 25 of the Lancashire Structure Plan

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DECISION DATE	APPLICATION NO.	PLANNING COMMITTEE:
11 January 2007	06/01513/LB A7	22 January 2007
DEVELOPMENT PROPOSED		SITE ADDRESS
LISTED BUILDING CONSENT TO DEMOLISH 2 NO CHIMNEY STACKS		29 CASTLE HILL LANCASTER LANCASHIRE LA1 1YN
APPLICANT:		AGENT:
Norman Jackson Contractors Ltd Scotland Road Carnforth Lancashire LA5 95Z		Harrison Pitt Architects

REASON FOR DELAY

Committee Cycle

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan 1996-2006 - The proposed property is a Grade II Listed Building located within the Castle Conservation Area.

STATUTORY CONSULTATIONS

Conservation Team - No objections from a conservation point of view, however the Council's Senior Conservation Officer would like to see the existing chimney pots from the demolished chimneystacks to be reused as part of the development approved on the adjacent site at No. 27 Castle Hill (ref: 03/00502/FUL). The Senior Conservation Officer has had preliminary discussions with the agent with regards to this application.

OTHER OBSERVATIONS RECEIVED

None

REPORT

The property that is the subject of this application is No. 29 Castle Hill - Lancaster's Tourist Information Centre (TIC). This application has been referred to the Planning Committee because Lancaster City Council own the proposed building. However it must be noted that Lancaster City Council are not the applicants of this application. The applicant is Norman Jackson Contractors Ltd - the developers of the adjacent site at No. 27 Castle Hill.

The proposed building is an 18th Century Grade II Listed Building located within an outstanding area of the Castle Conservation Area, surrounded by a number of other significantly important buildings close to the Castle itself. The character and appearance of the streetscene and roofscape are considerably important in this particular part of the Castle Conservation Area, and as such the proposed demolition has to be considered in line with Conservation Area and Listed Building policies contained within the Development Plan.

The applicant has applied for Listed Building Consent for the demolition of two tall chimneystacks on the north side of No. 29 Castle Hill. These stacks have a sand cement rendered finish, which indicates that they are unlikely to have been built at the same time as the property itself. They are not of the mid 18th Century.

Full planning permission was granted in 2003 (Ref: 03/00502/FUL) for the erection of three two-bedroom apartments sited between the Tourist Information Centre (proposed building) and No. 25 Castle Hill. This development is currently seeking commencement. However a Structural Engineer, employed by the applicant, concluded that the chimneystacks of No. 29 Castle Hill were structurally unsound and would be a serious hazard to the workmen on the development site and further harmful of the Listed Building if these structures were to become unstable. As a consequence the applicant wishes to remove the chimney stacks prior to excavation works starting on his site.

The development permitted at No. 27 Castle Hill did propose the removal of the two chimneys on the Tourist Information Centre building but also incorporated a new chimney into the design of the proposed building. From a conservation point of view, the provision of a new chimneystack on the new building mitigates to some extent the loss of these two stacks, although the Conservation Officer has stated that he would like to see the existing chimney pots reused on the new stack.

On this basis Members are advised that this application for Listed Building Consent 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 the application be referred to the Government Office North West for a decision with the recommendation that Listed Building Consent be granted subject to the following conditions: -

1. Standard time limit
2. Demolition to be carried out in accordance with the approved plans.
3. Storage of chimney pots to be agreed.

DECISION DATE 2 February 2007	APPLICATION NO. 06/01503/FUL A8	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR THE RETENTION OF AN EXTENSION TO PREVIOUSLY APPROVED WATER BOTTLING PLANT		SITE ADDRESS FAR LODGE BAY HORSE ROAD QUERNMORE LANCASTER LANCASHIRE LA2 9EF
APPLICANT: Mr David Gardner Far Lodge Bay Horse Road Quernmore Lancaster Lancashire LA2 9EF		AGENT: Graham Anthony Associates

REASON FOR DELAY

None.

PARISH NOTIFICATION

Views awaited.

LAND USE ALLOCATION/DEPARTURE

The land is designated as a Countryside Area in the Lancaster District Local Plan 1996-2006. It also lies within the Forest of Bowland Area of Outstanding Natural Beauty. The nearby farmhouse is a Grade II Listed Building.

STATUTORY CONSULTATIONS

Environment Agency - No objections.

Environmental Health - Views awaited.

United Utilities - Views awaited.

Conservation Officer - Views awaited.

OTHER OBSERVATIONS RECEIVED

None at the time of compiling this Committee report.

REPORT

The Site and its Surroundings

Far Lodge is a working farm situated approximately 600m due south of St Peter's Church and Quernmore Primary School. It comprises a range of traditional and modern buildings that are relatively tightly contained as a group of structures. The site is accessed via Caton/Bay Horse Road and has a wide, unmarked and unsurfaced vehicular entrance.

The landscape is undulating although the general slope of the land runs from the east down to the west at this point. There are sporadic groups of semi-mature trees in the locality, which forms part of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Planning History

The farm extends to approximately 100 acres and is concerned with milk production.

In 1999 planning permission was granted for the conversion of a barn to two holiday cottages (Reference: 99/00304/CU).

However the income raised from the cottages was insufficient to offset the losses caused by agricultural policy reforms, and therefore it was envisaged that a further supporting, diversification project would be required to prevent the agricultural enterprise from becoming unviable.

In 2004 a planning application was submitted for a water bottling plant comprising a rectangular, portal-framed building located north-east of the farm buildings (Reference: 04/01253/FUL). The building measured 29.7m by 20m, providing a floor area of 594 square metres, excluding a small, attached pump room. This application was withdrawn because of concerns regarding the scale of such a building within the protected AONB landscape.

Following discussion a second application was submitted in 2005 (Reference: 05/00651/FUL). The building was similar in design and shape, but had been reduced to 20.57m by 15.57m, providing a floor area of 320 square metres. The building was shallow-pitched and measured 5.7m in height. It was finished in a two-tone green colour with a brown brick plinth.

The application was brought before Members in August 2005 and it was determined that the building would be acceptable because the proposed land excavation would result in the setting of the building below the existing ground level of the sloping field. A new landscaping belt around the eastern and northern perimeter would also assist in screening the structure. Planning permission was granted on this basis.

There was a concern that the structure was sited too far away from the collection of existing farm buildings. However the location of the water spring dictated the position of the new building.

The Current Proposal

The applicant submitted a further application in September this year (Reference: 06/00915/FUL). This proposed an extension to the approved building.

That application was subsequently withdrawn by the applicant. It transpired that the works had already been undertaken and the extension had been built without planning permission. The decision to withdraw the application was made because it was considered that the application did not refer to the retrospective nature of the proposal, and consequently there was insufficient supporting material to make a case for the retention of the extension.

The current application is effectively a resubmission of 06/00915/FUL, but it acknowledges the retrospective nature of the proposal and has provided a more appropriate supporting statement, including photographs of the building from surrounding vantage points. At the time of drafting this report larger versions of the photographs were being requested.

In terms of the physical alterations to the approved building, the application seeks to retain the extension, which increases the length of the building from 20.57m to 28.57m. The width of the building remains unchanged. The floor area increases from 320 square metres to 445 square metres.

The building has also been sited approximately 10m further to the east of the originally approved position to allow for a turning/parking area alongside the front elevation.

The plans show two stainless steel tanks sited outside the building on the eastern elevation. These tanks appeared on the previous submission but a planning condition was imposed requiring them to be covered or sited internally, in a position to be agreed.

The additional internal space is required to provide office and rest room space, and an extra bottle storage area. It would appear that the applicant underestimated the minimum distances that would be necessary between the machines, hence this application.

Assessment of the Proposal

It is regrettable that the applicant has taken the decision to erect and re-site the structure without the benefit of planning permission. Such actions lead to an erosion of faith and transparency in the planning process. However any recommendation must be reached solely upon the planning merits of the case.

The applicant states that the principle of development has been established. It is correct to say that water bottling has already been deemed to be an acceptable diversification use at this farm. The local planning authority has been supportive in granting permission for this enterprise but has balanced that support against landscape impact concerns.

The design of the building, being a green, portal-framed, pitched roof structure, is also appropriate in the rural landscape.

The applicant has provided a financial consultant's letter stating that the water bottling business is essential in supporting the farm and the new use is dependent upon Rural Development Agency grant funding. The plant will provide some small rural employment.

A further letter from Procomac Industries estimates that the approved building is too small and that the production line would be inefficient as a result of lack of space. Procomac are involved in the beverage packaging sector business.

The vehicular delivery movements do not change and therefore there are no highway objections, although the County Highways Department did comment that there should be three new passing places on the access track.

The outcome of this application is therefore largely determined by the visual impact caused by the extension, and the prominence of the resited structure as a whole. The fact that the building has already been constructed allows the local planning authority to make an accurate assessment of the visual implications.

Planning Policy Statement 7, 'Sustainable Development in Rural Areas' advises that AONB's are nationally designated areas that have the highest status of protection in relation to landscape and scenic beauty. The conservation of this area of countryside should be given great weight in development control decisions.

Lancaster District Local Plan Policy E3 advises that development that would either directly or indirectly have a significant adverse effect upon the character of the AONB or harm its landscape quality or features of geological importance will not be permitted. The Policy also stipulates that development must be appropriate in scale.

The local planning authority took the view on the recent withdrawn planning application that the additional length of building was unsatisfactory because of the scale of the land excavation that would be necessary and the excessive size of the building. It also objected to the relocation of the building further away from the access track, because it would take the water bottling plant away from the group of buildings.

Since the extension was constructed, the Case Officer has taken the opportunity to revisit the site and also view the proposal from different positions in and around Quernmore.

The land excavation has been extensive, but given the setting back of the site away from public highways the changes to the landform do not appear incongruous. The screen mounding has been successful in concealing a significant part of the structure and the photographs show this to be the case. The building is visible from the valley, but is not viewed as being out of scale or inappropriately located.

Unlike the previous application the plans now indicate the precise level of earth removed to accommodate this building. Drawing Number GA 1395/3 (A) indicates that the roof ridge is 1.6m higher than the mound of earth. The rest of the building sits below this mound.

However the grassed finish of the screen mounding and the provision of the previously approved trees are still essential features that must be provided.

The additional parking area in front of the building (adjacent to the access track) is only visible from elevated positions to the west. There had been concerns that this parking area would further urbanise the locality. In reality it appears from a distance as part of the farm complex and it does not materially affect the recommendation.

Conclusion

As the report states, retrospective planning applications are regrettable, especially where applicants deliberately flout planning regulations. However this recommendation must be reached on planning merits alone.

The previous decisions to restrict the extent of this enterprise were taken with the appearance and character of the AONB as the determining factor. However it is now proven that the AONB has not been adversely affected by the extended and repositioned building, and given the financial need argued by the applicant it concluded that a recommendation of approval can be made.

Due to the Christmas and New Year break a number of consultation responses had yet to be received at the time of compiling this report. It is therefore considered prudent to impose planning conditions requested by the statutory consultees on the previous submission. If any new comments are made or conditions requested, these will be verbally reported to Members.

HUMAN RIGHTS IMPLICATIONS

The applicant's right to develop the land has been balanced against the views and rights of objectors. However, for the reasons set out in this report and having regard to the principles of proportionality, the objections do not outweigh the applicant's right to use and develop his land subject to the recommended conditions.

RECOMMENDATIONS

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

1. Development as per approved plans.
2. Details of the cleansing and storage regime to be submitted.
3. Details of the water source to be agreed.
4. Details of a water sampling programme to be agreed.
5. The amount of water abstracted on any single day shall not exceed 20 cubic metres (4400 gallons) without the prior express consent of the local planning authority and the written consent of the Environment Agency.
6. Scheme for disposal of foul and surface waters to be agreed.
7. Details of refuse storage areas to be agreed.
8. Implementation of the previously approved landscaping plan.
9. Position and appearance of water storage tanks to be agreed.
10. Highway surface materials to be agreed, including resurfacing of the existing public highway junction to the access track.
11. Plan to be agreed indicating three passing places on the access track.
12. Details of the parking layout to be agreed.
13. Use of the premises to be limited to 0800-1700 Monday to Friday and 0800-1430 on Saturdays, with no working on Sundays or Bank or Public Holidays.
14. Deliveries to and from the site to occur only during opening hours.
15. As required by consultees.

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DECISION DATE 12 January 2007	APPLICATION NO. 06/01348/FUL A9	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED ERECTION OF A TWO STOREY FRONT EXTENSION		SITE ADDRESS 44 SUNNYBANK ROAD BOLTON LE SANDS CARNFORTH LANCASHIRE LA5 8HG
APPLICANT: Mr And Mrs Scott Wilcock 44 Sunnybank Road Bolton Le Sands Carnforth Lancashire LA5 8HG		AGENT: Robert Crabtree

REASON FOR DELAY

Amended plans and the applicant is an employee of the local authority

PARISH NOTIFICATION

No comments to date, any comment will be reported directly to the Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - No specific proposals

STATUTORY CONSULTATIONS

Highways - No observations.

OTHER OBSERVATIONS RECEIVED

One written and one verbal objection have been received from neighbouring residents in connection with the originally submitted scheme. The nature of the objections relate to the height and massing of the side extension, the change in nature of the appearance of the pair of semi detached houses to terraced and the loss of light from the close relationship of the development to the neighbouring garden area.

3 letters of support have been received over the revised design for a front extension to the dwelling. The revised design is considered not to effect neighbouring dwellings and the design is such that it would not look out of place within the street. The development would be a more acceptable way of gaining the additional accommodation should it have to go ahead.

REPORT

This form of development would normally be dealt with under the scheme of delegation. However, it was discovered during discussion over the application that the applicant is an employee of the local authority. The application has therefore been brought before the Planning Committee for determination.

Site and its Surroundings

The application site is located within the more urbanised area of Bolton-le-Sands close to the main west coast rail line. The site is located in an area of mixed residential properties, one side of the road comprising almost wholly of two storey semi-detached houses and the other of a predominantly semi-detached bungalows set at a slightly higher level to the application site.

The application site is located on a corner location with Shelley Close and is the last of approximately 14 pairs of semi detached houses all built to a similar design and building line which forms the western end of Sunnybank Road. Most of the houses remain as original on the public street elevations, however, some have the addition of small single storey porches to the front elevation and a small number of properties have two storey side extensions set back from the front wall of the dwelling. The plot differs from the other dwellings of this form as it lies in a corner position in a triangular plot with a wide street frontage to the plot but only a small triangular rear garden.

The Proposal

As originally submitted, the application sought consent to develop a two-storey side extension comprising of a ground floor garage and dining room and an upper floor en-suite bedroom. This proposal resulted in objections being raised by neighbouring residents, making representations to both the local planning authority as part of the consultation process and directly to the applicants.

In response to the concerns raised by neighbours the applicant has revised the proposal seeking to develop a small two-storey extension to the front of the semi-detached property rather than the original side extension. The applicant considers that this revised arrangement will minimise impact on nearby dwellings and result in a much smaller development which will still suit their need to increase the size of the third bedroom. The development consists of a ground floor entrance hall and WC with the upper floor expanding the 'box' room to the original dwelling. The overall footprint of the extension is 2.4m wide and projects 1.7m from the front wall of the existing dwelling.

Planning History

The application site has no planning history.

Planning Policy

Policy H7 seeks to ensure that new development within the rural areas is appropriate in design and harmonises with its surrounding. Development should not have an adverse effect upon character of the settlement or neighbouring residents. Furthermore, SPG 12 Residential Design Guide acknowledges the presence of modern development surrounding the main village but still seeks to ensure that development is appropriate to its surroundings.

Comments

The approach to the design of the extension is a laudable one as it seeks to minimise its impact upon the neighbouring residents. However, the application site forms half of a pair of semi-detached properties of which the street contains a large number of dwellings, built to an identical design. The pairs of dwellings sit at a slight angle to the road but all have a strong building line and limited set back from the rear of the footway.

It is considered that the proposed development will be detrimental in design terms, as it will unbalance the symmetry of the pair of semi-detached properties and a two storey projection forward of the main dwelling and the building line will be to the detriment of the appearance of the street scene. Furthermore, the development, if approved, will develop a precedent for further similar development on the neighbouring houses again to the detriment of the street scene. The development is contrary to the aims and objectives of policy H7 and guidance contained within SPG 12 and as such 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

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

1. Detrimental to the character and appearance of the semi detached properties and the wider street scene.
2. Precedent.

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DECISION DATE 2 January 2007	APPLICATION NO. 06/01361/FUL A10	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED ALTERATIONS TO SHOP FRONT	SITE ADDRESS 219 MARINE ROAD CENTRAL MORECAMBE LANCASHIRE LA4 4BU	
APPLICANT: Mr D Barker 3 Morecambe Road Morecambe LA3 3AA	AGENT:	

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION/DEPARTURE

Within the Conservation Area of Central Morecambe as defined in the Lancaster District Local Plan.

STATUTORY CONSULTATIONS

Access Officer - Recommended addition of a ramp in the central seating area to cater for the change in level from front to rear and enable access to the rear for wheelchair users; door weight should be 20-25 Newtons.

County Highways - No objections.

OTHER OBSERVATIONS RECEIVED

None to date, any comments will be reported to Committee.

REPORT

This application would normally be dealt with under delegated powers as the change of use has already been agreed by Committee in January 2006, however, the application site is part-owned by Cllr Ashworth and the application must therefore be decided by the Planning Committee.

The property is a three-storey Grade II Victorian terraced property located within the Central Morecambe Conservation Area. The property is in a prominent frontage on the corner of Marine Road Central and Northumberland Street adjacent to the Winter Gardens and directly opposite the War Memorial. At first and second floor level the property has three symmetrical bowed windows and a uniformity of design.

The alterations include the introduction of traditional shop front features and a frameless glass entrance screen and the installation of internal security shutters.

This application is in support of a previous planning approval for a change of use of the shop to a café bar that was approved by Planning Committee in January 2006. The shop front has been revised in accordance with the recommendations of the Conservation Team.

There is a joint Townscape Heritage Initiative application for the adjoining J & G Warehouse and coffee shop to re-instate the ground floor façade and improve the terrace's appearance which has recently been approved as a delegated decision.

The re-design of the shop front conforms with the guidance outlined in SPG 7: Shop fronts and Advertisements Design Guide and the objectives of the Townscape Heritage Initiative grant.

The frameless glass shop front is acceptable and will contrast well with the proposed canopy. It is a requirement of the Townscape Heritage Initiative grant that there are no roller shutters installed externally and the internal roller shutters are an attractive solution to any potential security concerns.

The proposed alterations are improvements to the previous approval and have the support of the Conservation Officer, as such the Planning Committee is urged to approve the application in accordance with the recommended conditions.

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 time limit.
2. Development in accordance with approved plans.

DECISION DATE	APPLICATION NO.	PLANNING COMMITTEE:
2 January 2007	06/01363/LB A11	22 January 2007
DEVELOPMENT PROPOSED		SITE ADDRESS
LISTED BUILDING APPLICATION FOR ALTERATIONS TO SHOP FRONT		219 MARINE ROAD CENTRAL MORECAMBE LANCASHIRE LA4 4BU
APPLICANT: Mr D Barker 3 Morecambe Road Morecambe LA3 3AA		AGENT:

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION/DEPARTURE

Within the Conservation Area of Central Morecambe as defined in the Lancaster District Local Plan.

STATUTORY CONSULTATIONS

Access Officer - Recommended addition of a ramp in the central seating area to cater for the change in level from front to rear and enable access to the rear for wheelchair users; door weight should be 20-25 Newtons.

County Highways - No objections.

OTHER OBSERVATIONS RECEIVED

None to date, any comments will be reported to Committee.

REPORT

This application is the listed building application in respect of the previous Committee agenda item for the proposed alterations to the shop front.

Under Section 16(2) of the 1990 Act, in considering whether to grant listed building consent, special regard shall be given to the "desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses". The re-design of the shop front has been agreed by the City Council's Conservation team and it is consequently recommended that the application should be approved in accordance with 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 **LISTED BUILDING CONSENT BE GRANTED** subject to the following conditions:-

1. Standard 3 year time limit
2. Development in accordance with approved plans
3. Precise details of shop front to be agreed.

DECISION DATE	APPLICATION NO.	PLANNING COMMITTEE:
23 January 2007	06/01401/CU A12	22 January 2007
DEVELOPMENT PROPOSED		SITE ADDRESS
CHANGE OF USE OF LAND FOR THE STORAGE OF CARAVANS, TRAILERS AND THE SALE OF CARAVANS INCLUDING THE CREATION OF A BUND		RAISBECK KELLET ROAD OVER KELLET LANCASHIRE LA6 1BP
APPLICANT: Woods Caravan Transport Raisbeck Kellet Road Over Kellet Lancashire LA6 1BP		AGENT: Graham Anthony Associates

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** - Countryside Area**STATUTORY CONSULTATIONS****County Highways** - Views awaited**OTHER OBSERVATIONS RECEIVED**

None to date, any comments will be reported to Committee

REPORT**Site and its Surroundings**

The application site is located off Kellet Road, Over Kellet approximately ½ mile east of Carnforth, close to the A601(M) link road. The site forms part of a larger landholding associated with the residential property known as Raisbeck and in the ownership of the applicant. The overall plot comprises the dwelling, its domestic curtilage, an area of land currently used for the parking of commercial vehicles and storage/sale of caravans the remaining land is made over the pastoral grazing, some 1 hectare in total.

The plot as a whole rises slowly to the north making the application site and the pastoral field visible on approach from the north along the A601(M) link road. A mature hedgerow bounds the whole field.

The application site is currently enclosed by a grass covered earth bund which only partially screens the stored commercial vehicles and static caravans. The land was previously part of the pastoral field and the retention of the bund forms part of this retrospective proposal.

Planning History

The site has a long planning history spanning the last twenty years. The application site and adjoining land has been the source of planning dispute and a number of application/appeals: -

01/84/1086 - Refusal for the Change of Use of private drive for parking of a commercial vehicle.

01/85/617 - Planning consent approved for the parking of a commercial vehicle on the private drive to Raisbeck, this included the provision not a turning area which was not to be used as an additional parking area (Condition4).

01/91/1333 - Refusal for the change of use of additional land for the parking of commercial vehicles.

93/00007/CU - Application for a change of use of land for parking of commercial vehicles and retention of a vehicle inspection ramp. Refused and subsequent appeal dismissed in August 1993. The Appeal Inspector made the comment in the appeal:-

“From my inspection of the appeal site and its surroundings, and from the representations made, I have decided that there is a single important issue which has to be determined in this appeal. It is whether the appeal proposal would cause unacceptable harm to the appearance and character of the countryside in this vicinity”

In concluding to dismiss the appeal the Inspector further commented:-

“this set of circumstances does not, in my opinion fall within the categories defined in Policy 6 of the Structure Plan as acceptable in the open countryside. Nor does it justify allowing development which is clearly at variance with the policies which seek to protect the quality of the landscape in the Area of Special Landscape”

06/00546/ELDC - Application for a Certificate for Lawful Development for use of land to park commercial vehicles, storage and sale of caravans in breach of planning consent 01/85/0617 - Approved in September 2006

06/01102/CU - Refusal of land for storage of caravans, trailers and sale of caravans including the creation of a bund. This application covers the same site as the current proposal but effectively sought to expand the area used for commercial development from that solely covered by the Certificate of Lawful Development to the whole of the frontage with Kellet Road. The application was refused for the following reasons: -

1. *The application site relates to the retrospective change of use of open land, (designated as Countryside Area within the Lancaster District Local Plan) to the storage of caravans/trailers and the construction of a bund to the northern and western boundaries of the application site. The site forms part of a small plot of agricultural land associated with the residential property known as Raisbeck. In the opinion of the local planning authority the development of the site and the expansion of the use gained under the Certificate of Lawfulness 06/00546/ELDC development of the site by the change in surfacing of the land, the construction of a earth bund and the storage of caravans would be reasons of their location, scale and form be detrimental to the character and appearance of the rural landscape within which the site is located. As such the development is considered to be contrary to Policy E4 of the Lancaster District Local Plan and the planning policy guidance contained within PPS 1 and PPS 7.*

2. *The application site is located away from the main urban area of local service centre of Carnforth in a rural location poorly served by any means of public transport, in the opinion of the local planning the development of the site and the expansion of the use gained under the Certificate of Lawfulness 06/00546/ELDC would compound the use of an unsustainably located employment site would be contrary to the general planning policy guidance contained within PPS 1, PPS 7 and PPG 13 and specifically Policy EC15 of the Lancaster District Local Plan which seeks to ensure the development of employment uses outside the main employment areas which are well served by public transport.*

The site has had a number of other applications which are not relevant to the current application including the erection of a single dwelling and a hotel both of which were refused.

An Enforcement Notice has recently been served on the applicant over the unauthorised use of land (the current application site) for the storage of caravans and the creation of a bund. The notice took effect on 29 December 2006 and seeks removal of the caravans and bund and reinstatement of the land to its former condition. The time for compliance is 4 months i.e. 29 April 2007.

The Proposal

The current application seeks to overcome the currently unauthorised development, (the subject of the Enforcement Notice) which comprises of the creation of earth bunding and the change of use of the land for storage and sale of caravans and the storage of trailers. The applicant is seeking to revoke, with no compensation using a unilateral undertaking under Section 106, part of the land that gained immunity from enforcement under 06/00546/ELDC for the use of the land covered by the current planning application. Effectively swapping land which currently has consent for the use with the application site. The applicant has wishes to proceed with the application as a 'last ditch attempt to gain a retrospective approval'.

The overall area of land which would be used for storage/sale would be very similar in size but would stretch out away from the domestic curtilage into land which was part of the pastoral field.

Planning Policy

Policy E4 Countryside Area - Seeks to protect the natural landscape and seeks to resist any development which is not in scale and keeping with the character and natural beauty of the landscape. Development needs to be appropriate in scale, design, materials and external appearance in the landscape.

Policy EC15 - Seeks to allow the development of employment areas outside the main urban areas which are well served by public transport and have no significant impact upon adjoining businesses or residences.

Comments

It is acknowledged that the resulting area of land which would be available for the storage and sales use would be very similar in size to that already granted under the Certificate of Lawful Development and as such the issue of developing an employment site (Policy EC15) in an unsustainable location does not readily apply to this proposal.

The key issue surrounding this proposal and one which has already been the focus of a refusal (93/00007/CU), subsequent appeal and determination to dismiss the appeal, is the impact of this form of development upon the rural landscape. The area of the application was originally part of an open field, one which is readily visible from neighbouring land and highways. The land has been enclosed by a grassed covered earth bund which in itself is intrusive and forms an unnatural feature in the landscape. Furthermore, the bund is also of limited height and does not effectively screen the stored caravans and trailers from view.

The applicant will no doubt argue that the resulting area of commercial development is no greater than that which gained consent under the Certificate of Lawful Development. However, a large part of the land (the area offered up for the land swap) is sited close to the residential property, an area where one could expect to see development. Furthermore, if the commercial use of the land for the area were to be revoked, the land was historically part of the domestic curtilage to Raisbeck and consequently, would enjoy the benefits of a domestic curtilage. This could include parking of cars, caravans and all the other paraphernalia associated with day-to-day living. As a consequence of approval, the result of this would be the visual and physical expansion of developed land which fronts Kellet Road and which is publicly visible, to the detriment of the character of the rural landscape.

Conclusion

Overall this form of development is considered to be a further intrusion within the landscape and detrimental to its appearance as such the development is considered to be contrary to Policy E4 of the Lancaster District Local Plan and the guidance contained within PPS 1 and PPS7 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

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

The application site relates to the retrospective change of use of open land, (designated as Countryside Area within the Lancaster District Local Plan) to the storage of caravans/trailers and the retention of a bund to the northern and western boundaries of the application site. The site forms part of a small plot of agricultural land associated with the residential property known as Raisbeck. In the opinion of the local planning authority the development of the site and the expansion of the development area by the change in surfacing of the land, the construction of a earth bund and the storage of caravans would by reasons of their location, scale and form be detrimental to the character and appearance of the rural landscape within which the site is located. As such the development is considered to be contrary to Policy E4 of the Lancaster District Local Plan and the planning policy guidance contained within PPS 1 and PPS 7.

DECISION DATE 29 December 2006	APPLICATION NO. 06/01197/REM A13	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED RESERVED MATTERS APPLICATION FOR THE ERECTION OF AN APARTMENT BLOCK COMPRISING OF 36 TWO BEDROOM UNITS WITH ASSOCIATED CAR PARKING AND SERVICING.		SITE ADDRESS HALTON MILL MILL LANE HALTON LANCASTER LANCASHIRE LA5 8EU
APPLICANT: Time And Tide Properties Ltd C/o Agent		AGENT: Phillips Planning Services Ltd

REASON FOR DELAY

Deferred for a Committee site visit.

PARISH NOTIFICATION

Object to the development - a copy of comments attached.

LAND USE ALLOCATION/DEPARTURE

The site forms part of an area identified as Halton Mills, in Policy EC7 of the Local Plan. This policy identifies the whole site as a rural employment opportunity site and indicates that proposals for a comprehensive, employment-led, mixed-use development including housing and informal recreation will be permitted. This is subject to various criteria including the removal of all dereliction and contamination from the site and ensuring that employment remains the dominant use of any mixed development.

STATUTORY CONSULTATIONS

County Highways - No objection in principle but query level of car parking at only 100% - see report below.

United Utilities - Have withdrawn objections to the scheme - are in discussion with applicants to resolve drainage problems - copy attached.

Environment Agency – No objections provided provisions of flood risk study are implemented.

Archaeological Unit – Survey required.

OTHER OBSERVATIONS RECEIVED

11 letters of objections have been received - for details see copy of last report attached.

REPORT

Committee deferred consideration of this application and 06/01196 for developments at Halton Mills for a site visit. Members should note that application no. 06/01196, which was previously recommended for refusal has now been withdrawn. A revised amended scheme is to be submitted to try and overcome the objections and this is likely to come before Committee in February.

A copy of the previous report which fully explains the background to this proposal and the development of the wider site is attached for Members information. A full explanation of the overall site development and current position will be given at the site visit.

With regard to updates since the last report, no further plans have been received to overcome the shortage of car parking provision. However for the previous scheme the applicants agreed a condition that overflow visitor parking be provided on the nearby car park serving the engineering works which is also in their ownership. Unless alternative arrangements are agreed before the Committee meeting a similar condition is recommended for this scheme.

In all other respects the scheme is as considered at the last meeting and a conditional permission is recommended as before.

RECOMMENDATIONS

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

1. Amended plans.
2. Landscaping details including the provision of public open space and the route of the riverside walk.
3. Measures for the protection of T.P.O'd trees to be agreed and implemented.
4. Samples of external materials to be submitted.
5. Details of rainwater goods, windows and doors to be agreed.
6. Archaeological survey to be carried out.
7. Car parking and cycle parking to be agreed and provided before any of the units are occupied.
8. Floor and surrounding site levels to be agreed.
9. Details of refuse storage areas to be agreed and provided before any units occupied.
10. No dwellings to be occupied until new industrial access road completed and Mill Lane upgraded to adequate level.
11. Overflow visitor car parking area to be provided on adjacent industrial land and to be subject to management agreement

DECISION DATE 29 December 2006	APPLICATION NO. 06/01197/REM A18	PLANNING COMMITTEE: 18 December 2006
DEVELOPMENT PROPOSED RESERVED MATTERS APPLICATION FOR THE ERECTION OF AN APARTMENT BLOCK COMPRISING OF 36 TWO BEDROOM UNITS WITH ASSOCIATED CAR PARKING AND SERVICING.	SITE ADDRESS HALTON MILL MILL LANE HALTON LANCASTER LANCASHIRE LA5 8EU	
APPLICANT: Time And Tide Properties Ltd C/o Agent	AGENT: Phillips Planning Services Ltd	

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Copy of observations attached. These relate to initial plans - comments on amended plans will be reported. Council's sentiments regarding the applicants actions will no doubt remain unaltered.

LAND USE ALLOCATION/DEPARTURE

The site forms part of an area identified as Halton Mills, in Policy EC7 of the Local Plan. This policy identifies the whole site as a rural employment opportunity site and indicates that proposals for a comprehensive, employment-led, mixed-use development including housing and informal recreation will be permitted. This is subject to various criteria including the removal of all dereliction and contamination from the site and ensuring that employment remains the dominant use of any mixed development.

STATUTORY CONSULTATIONS

County Surveyor - No objection in principle subject to provision of cycle parking but query level of car parking at only 100% - see report.

United Utilities - Raise objection re capacity of sewerage treatment plant subject of further discussions - see main report.

Environment Agency - No objections - provided provisions of flood risk study are implemented.

Archaeological Unit - Archaeological investigation required.

OTHER OBSERVATIONS RECEIVED

Conservation Officer - Has been involved in discussions re detailed design - considers amended plans satisfactory subject to conditions.

10 letters of objections from residents have been received. Concerns include the following:- development is not in keeping with the village, too high, existing development is poor in quality and inappropriate for village as a whole, over intensive dwellings "crammed in", increased traffic, pressure on village infrastructure and loss of beautiful River views.

One letter has been received from a business owner on the site - development has detrimentally affected his business, right of access is often obstructed, alternative not acceptable, developers are obstructive and unco-operative, scheme has lost jobs rather than secured them.

REPORT

Background

This site is situated between the Low Road and the River Lune in the village of Halton. As most Members will be aware it forms part of a much larger area identified as a mixed use employment led site within the adopted Local Plan. The larger site has the benefit of two outline consents - 00/00920 which covers the western half for a mix of commercial units, housing and open space and 01/01128 for new commercial/industrial units and a live/work development scheme. While the developer has continued to progress reserved matters submission under the terms of these original outlines (development has now commenced on site) most Members will be aware that over the last 2 years Officers have been negotiating a new outline consent. This new outline permission provided for the same general mix of uses located in more suitable manner around the site. A range of additional community benefits including more realistic affordable housing, transport and highways contributions, additional open space had also been agreed via a Section 106 Agreement. Officers had been advised that the delay in signing this Agreement was due to a technical problem with United Utilities. Regrettably the applicants have indicated that they are no longer prepared to continue with this new development proposal and are reverting to the original approvals. They have suggested that the development value in the site is not sufficient to realise the community benefits that had been agreed. Extensive negotiations and discussions have failed to persuade them to agree to even a reduced range of such benefits and they are adamant that they wish to revert to the original permission.

This sudden reversal has been a complete surprise and is considered a backward step. However, as these permissions are still 'live', Committee has no alternative but to consider the reserved matters submission before then under the terms of the original approvals. This current application and the following Agenda Item 06/001196/REM are the remaining reserved matters submissions to be approved under the terms of the original outline consent (00/00920) for the western half of the site. Plans will be displayed at the Committee meeting to assist in explaining the somewhat complicated background.

Development Proposal

The proposed scheme is for a 3 storey apartment block comprising 36 two bedroom units together with access road, car parking and landscaping. To further complicate matters, Committee have previously agreed a larger 48 unit apartment block on part of the site. This permission has also not been issued due to a separate Section 106 Agreement being delayed and this scheme has now also been jettisoned as part of the wider problems discussed above.

The scheme now proposed is similar in scale and external design to the previously agreed larger block comprising 3 storeys with ashlar stone walls and a traditional slate roof. It could be described as a modern interpretation of a mill building with a repetitive rhythm of door and window openings with a contemporary twist in terms of the materials and some elements of the design. Negotiations have been undertaken and minor detailed amendments have been agreed to ensure the final design is acceptable in visual terms and will make a positive contribution to the riverside landscape.

Parking provision is presently shown at 100% but negotiations are ongoing to increase to 133% to provide some visitor car parking spaces. A further update will be given at the Committee meeting.

Further information is also being sought on the provision of public open space and the route of the riverside walk.

Policy and Other Considerations

There are no objections to the principle of development as this was clearly established through the Local Plan allocation, together with the granting of the outline permission for residential development on this part of the site.

It will be noted that United Utilities have raised objections on the grounds that the nearby sewerage treatment plant is at capacity. They did not, however, raise objections at the outline stage. Meetings are taking place with United Utilities and the developers seeking to resolve these objections. It is anticipated a final report will be available by the time of the Committee meeting.

Members will note the concerns of those residents who have written in - many of these are to the principle of the scheme or relate to the housing presently under construction rather than that proposed. The views of the Parish Council relate to the initial plans - views on the amendments will be reported. Their disappointment regarding the abandonment of the replacement scheme is understandable and shared by Officers but the existing submissions must be considered on their merits and in the context of the original outline permission:

Conclusion

It is considered that the development conforms with the terms of the outline approval and the negotiated amendments to the design have produced an attractive contemporary design. Subject to satisfactory agreement regarding car parking provision and the final views of United Utilities, permission is recommended subject to the undernoted conditions.

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. Amended plans.
2. Landscaping details including the provision of public open space and the route of the riverside walk.
3. Measures for the protection of T.P.O'd trees to be agreed and implemented.
4. Samples of external materials to be submitted.
5. Details of rainwater goods, windows and doors to be agreed.
6. Archaeological survey to be carried out.
7. Car parking and cycle parking to be agreed and provided before any of the units are occupied.
8. Floor and surrounding site levels to be agreed.
9. Details of refuse storage areas to be agreed and provided before any units occupied.
10. No dwellings to be occupied until new industrial access road completed and Mill Lane upgraded to adequate level.
11. Overflow visitor car parking area to be provided on adjacent industrial land and to be subject to management agreement.

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HALTON WITH AUGHTON PARISH COUNCIL



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David Hall
Lancaster City Council
Planning & Building Control
Palatine Hall
Dalton Square
Lancaster
LA1 1PW

13th December 2006

Dear David

RE: PLANNING APPLICATIONS 06/01196/REM & 06/01197/REM

Please refer to our earlier letter dated 7th November 2006, in which many of our observations still apply, and in addition: -

Block 5

There appears to be little material difference between the current drawings and those received earlier and many of our former comments still apply. Detail differences such as external drainpipes, a slight reduction in glazing adjacent to stairwells, and the feature windows on the end walls have improved the appearance, but we still remain opposed to the full elevation glazing on the four stairwell buttresses on the Mill Lane side. Time & Tide are still pursuing a modernist approach in this rural village location, which is contrary to the aspirations of our Parish Plan.

There appear to be only 36 car parking spaces adjacent to the property, which we believe is inadequate. A much better solution would be to include some garaging on the Mill Lane side internal to the building. The advantages would be a reduced number of dwellings and hidden parking with a possible further bay in front of the garage door.

Block 4

The architect has taken a clone of Block 5 and adjusted dimensions to fit the site. Unfortunately he has not considered that two-thirds of the plot lies within the conservation area. We welcome the inclusion of a 2-storey building, but believe that scale is appropriate across the entire plot. No cognisance has been given to the build standard within the conservation area. The nearest buildings off site are the Greyhound and Town End Farm, but clearly this architect's brief has not considered a sympathetic design.

The PC were surprised to hear last night Time and Tide's claim that this development was briefed with the Planning Department at the outset to be a stand alone project which did not need to reflect any other aspect of Halton village. If this statement is true,

then all aspirations of our Parish Plan have at a stroke been disregarded from the outset. There is clearly a huge gulf between the developer's aspirations, the Planning Departments view of suitable development, and the Parish's view of "acceptable design". Until the air has been cleared about the concept of how this site will develop in the future this Parish Council does not support any further approvals and opposes the detailed designs proposed in these applications.

In our view it is now time for a fundamental review of the EC7 Policy area as defined in the Lancaster District Plan. Halton-with-Aughton Parish Council request an urgent meeting with representatives of the Planning Committee and Senior Planning Officers to discuss the implications of the failure to implement the Section 106 agreement attached to the failed improved whole site outline planning application. The reversion to the earlier outline scheme has proved an Achilles heel to our efforts, and the Planning Committee must make a site visit to see the outcome of their approvals to date. We would be surprised if they did not agree with all residents of the village that what is happening is inappropriate in this 'rurally designated' village.

Please rest assured that we wish to remain engaged with all parties in finding solutions to the difficulties now emerging, but are convinced that in the short term it is essential that all parties agree on the fundamentals of how to proceed. That is clearly not the case at this time. Until meetings have been held, and an agreed formula is adopted there should be no further approvals on this development.

Yours sincerely

CAROL SLINGER
Clerk to the Council

Cc Andrew Holden, S. Gardner

DECISION DATE	APPLICATION NO.	PLANNING COMMITTEE:
10 January 2007	06/01371/CU A14	22 January 2007
DEVELOPMENT PROPOSED		SITE ADDRESS
CHANGE OF USE OF FIRST FLOOR TO DANCE SCHOOL/STUDIO		UNIT 1 THE OLD CO-OP YARD KELLET ROAD CARNFORTH LANCASHIRE LA5 9LR
APPLICANT: Isobel Taylor 13 Whin Drive Bolton Le Sands Carnforth LA5 8DB		AGENT:

REASON FOR DELAY

Discussions with applicants and consultees.

PARISH NOTIFICATION

Support in principle but assume parents will be responsible for escorting children across Kellet Road.

LAND USE ALLOCATION/DEPARTURE

Within a small established commercial/industrial area.

STATUTORY CONSULTATIONS

County Highways - Has expressed doubts over intensification of use, highway safety concerns regarding conflict between pedestrian and vehicular traffic. Recommends refusal.

Environmental Health Officer - Will require a noise assessment procedure to be carried out together with controls over the hours of use.

OTHER OBSERVATIONS RECEIVED

4 letters from nearby residents have been received. 3 raise objections principally on the grounds of safety, increased congestion and existing parking difficulties being exacerbated plus possible noise nuisance. Point out that existing yard is full of parked vehicles and the area is "gridlocked" at school opening and closing times. Cannot cope with an additional business use. One further letter raises no objection to the principle of the use but raises similar issues to those detailed above.

REPORT

Background

This application is to provide new dance school/studio facilities for a local business in Carnforth which lost the use of the local Methodist Church for this purpose when it was sold for development. The dance school have clearly struggled to find replacement premises in the Carnforth area having been unsuccessful with a number of other sites. They have now been offered a secure lease of the first floor of a larger building in the Old Co-op Yard which lies behind some frontage residential development on Kellet Road.

The Site and Surrounding Area

The site comprises a small industrial yard containing a number of small repair type businesses and lock-ups including motor cycle repairs and storage uses. It is served by a substandard unmade road which also gives access to a rear alleyway serving the nearby residential properties. Kellet Road is a busy main road which serves the nearby high school as well as many other local facilities.

Proposed Development

The proposal is to use the upper floor of the largest building in the yard for the dance school. Permission has already been granted to provide a separate access to this floor. It is recognised that the dance school is an important local facility. It caters mainly for school age children so most lessons take place between 3.00 p.m. and 8.00 p.m. week days, 9.00 a.m. - 6.00 p.m. Saturdays and occasional Sundays for exams. Access to the site is restricted by the small substandard road leading to it from Kellet Road, the lack of manoeuvring space within the yard and the fact that Kellet Road is busy, especially at school opening and closing times. It can be seen from above that some neighbours have strong concerns that the proposed use may exacerbate existing congestion problems. In an attempt to overcome this the applicant has arranged for the use of the Carnforth High School car park but this is approximately 175 yards away.

Consideration

This is a local business that the Council would wish to support if possible. However, the County Highways Authority has raised strong concerns regarding the mix of industrial and leisure uses and the highway safety problems this may create, especially for pedestrians. They raise doubts that the car park would be used and that parents would be more inclined to drop children off on Kellet Road thus adding to the congestion at busy times. This view is shared by those residents who have also raised concerns. Despite further negotiations with the applicants and the County Surveyor, his recommendation for refusal remains unchanged and on a matter of highway safety especially where children are involved his concerns must be of paramount concern. For this reason Officers share his concerns and there is no alternative but to recommend that permission be refused.

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 REFUSED** for the following reason:-

Incompatible mix of uses which when combined with the existing substandard and congested access arrangements is likely to lead to an unacceptable increase in highway dangers especially for pedestrians.

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DECISION DATE 2 February 2007	APPLICATION NO. 06/01349/FUL A15	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED ERCTION OF NON FOOD RETAIL (A1) UNIT (REVISION TO UNIT APPROVED VIA 05/00929/FUL)		SITE ADDRESS FORMER FRONTIER LAND WESTERN THEME PARK MARINE ROAD WEST MORECAMBE LANCASHIRE LA4 4DG
APPLICANT: W M Morrison Supermarkets Plc C/o Agent		AGENT: Peacock And Smith

REASON FOR DELAY

None.

PARISH NOTIFICATION

Views awaited.

LAND USE ALLOCATION/DEPARTURE

A small part of the site lies within the Morecambe Town Centre boundary and wholly within the wider Tourism Opportunity Area boundary, as defined by the Lancaster District Local Plan 1996-2006. The building will be located immediately adjacent to designated 'Shopper & Visitor' Car Parks.

The application has been advertised as a Departure because of its location partly outside the Town Centre.

STATUTORY CONSULTATIONS

County Planning Officer - Considers that the development conforms to Policy 16 of the Joint Lancashire Structure Plan providing that the City Council confirms that there is no sequentially preferable site. The analysis submitted by the applicant is accepted. The development is below the threshold for requesting planning obligation contributions. However it would still be desirable to enhance the cycle linkage to and from the nearby railway station and to enhance security at the station.

County Highways - At the time of the last application a request for a contribution of £70,000 was made for improvements to multi-modal access to the railway station. This was not requested because other measures were considered greater priorities. However given this is a separate application, it is considered that the works are still relevant and necessary and this may be an appropriate time to include these improvements.

Environmental Health Service - Previous investigations have not met the required minimum standard set in current UK guidance and therefore a land contamination condition must be imposed, requiring a desktop study, site investigation, a written method statement and a full completion report.

Environment Agency - No further comments to make since last consultation. They originally requested a condition requiring all surface water drainage from parking areas to be passed through an oil interceptor.

United Utilities - No further comments to make since last consultation. They do not object providing that the site is drained upon a separate system.

Lancashire Fire Service - No objections.

Police - Views awaited.

Network Rail - Views awaited.

OTHER OBSERVATIONS RECEIVED

Morecambe & District Chamber of Trade & Commerce objects to the proposal due to it being in conflict with national planning policy. Morecambe Town Centre will be seriously damaged by the competition arising from the development. Beneficial competition would only occur if the store was located much closer to the existing Town Centre. The gravitational pull offered by this store, Morrison's and the Festival Market will be significant and affect the Town Centre. Linkage to the Town centre will not occur. A sudden increase in retailing floorspace on this scale would damage the fine economic balance that currently exists, with a further loss of small businesses.

REPORT

The Site and its Surroundings

The site that is the subject of the application is located immediately south-east of the existing Morrison's Supermarket and was previously used as part of the former Frontierland Amusement Park.

The land is currently undeveloped and shares a boundary with residential property to the south (West End Road) and the coach park facility to the east. Morrison's car park adjoins the site to the north.

The land to the west was also included within the Frontierland site and this area also benefits from the wider planning permission for a comprehensive redevelopment to create retail, leisure and residential uses.

The Proposal and Planning History

This application to erect a non-food retail unit with a mezzanine floor is located on the site previously approved for two non-food retail units and a leisure/retail unit (Reference: 05/00929/FUL).

Condition numbers 5 and 6 on that consent restricted the uses that could occur within the 3 approved buildings, and set a limit on the gross retail floorspace per use. The content of these conditions is essential to this application and they are as follows;

It was stipulated that Unit 1 should be a leisure/fitness club on the ground floor with the first floor to be used for the sale of sports goods and related products only, where the retail component should not exceed 2323 square metres. This unit would be occupied by 'JJB Sports';

Unit 2 proposed a DIY retail warehouse and garden centre for the sale of home improvement and garden products, where the retail warehouse would not exceed 2323 square metres (and a mezzanine floor of 929 square metres), with a further garden centre of 929 square metres, to be occupied by 'Homebase';

Unit 3 was a speculative 929 square metre, non-food retail unit, conditioned so that only 'bulky goods' items such as furniture, electrical appliances and home furnishings could be sold. The reason for this condition was so that (non-bulky goods) high street retailers would not take advantage of the likely lower rental levels in this location, and provide a use that could be accommodated within the Primary Shopping Area.

It is the latter unit (Unit 3) that is the subject of this application.

There are two primary differences between the previous consent and the current application. The first is the addition of a mezzanine floor of 873 square metres, which takes the gross floorspace to 1802 square metres. Consequently the net sales area will increase from 790 square metres to 1117 square metres. The second difference is the removal of the bulky goods restrictions to allow for the sale of clothing and footwear by 'Next'.

The application also proposes minor revisions to the elevational treatment of the unit. However the general appearance of the unit is similar to that previously approved; the unit retains a buff coloured brick plinth and pillars with silver cladding above and either an aluminium or an artstone parapet coping.

The car parking and access arrangements are as previously approved and so the only matter that requires consideration from a transport and highways perspective is the addition of the additional floorspace.

It is envisaged that 70 new jobs would be created.

For the purpose of completeness, the 2000 planning application for a Factory Outlet Shopping Centre (Reference: 00/00967/FUL) is also referred to in this report. This application was approved by the Secretary of State following a call-in inquiry.

The Retail Operation

The applicant advises that the Morecambe Branch would operate in a different manner to the company's High Street stores. Due to lower rents and a more spacious layout the store would retail a greater amount of homeware and furniture than town centre locations. This would be akin to existing 'retail-park' type stores in nearby Kendal and Preston.

The internal space will be arranged so that Womenswear, childrenswear and clothing clearance areas (referred to on the plan as 'Lime') will be provided on the ground floor, with the mezzanine used to accommodate menswear and homeware/furniture. Ancillary changing and staff facilities would all be located on the ground floor.

The applicant has emphasised the point that almost 11% of the total retail area of the store would be given over to homeware and other potentially bulky furniture items.

Locational Definitions

National Planning Policy Statement (PPS) 6 - 'Planning for Town Centres', provides a framework of locational definitions that are used when determining applications that will affect town centres. For clarity, the relevant definitions are referred to here.

Primary Shopping Area refers to the designated area around the Arndale Centre and Euston Road where retail development is most concentrated. The current application is clearly located outside the Primary Shopping Area.

Town Centre refers to the Primary Shopping Area and other areas of predominantly leisure, business and other town centre uses within or adjacent to the Primary Shopping Area. In the case of Morecambe, the Town Centre Boundary extends from Clarence Street at its most northerly point to a small section of the application site at its most southerly point. Therefore the proposal is only within a small part of the Town Centre Boundary. In effect it straddles this boundary line.

Edge of Centre locations are, for retail purposes, defined as locations that are within easy walking distance (i.e. up to 300 metres) of the Primary Shopping Centre. In this case the application site is approximately 550m away from the Primary Shopping Centre and therefore it cannot be described as 'edge of centre'.

Out of Centre locations should not be confused with 'Out of Town' locations. The former describes locations that are beyond the edge of centres but are still within the urban area. The latter defines development located outside existing urban areas.

It is therefore concluded that the application site is in an Out of Centre location.

Relevant Planning Policy

Aside from the standard material considerations outlined in PPS 1 - 'Delivering Sustainable Development', the most relevant national planning guidance is contained within PPS 6. This emphasises the Government's key objectives of promoting and enhancing the vitality and viability of existing town centres.

Need must be demonstrated for any main town centre use which would be located in an out of centre (or edge of centre) location, and where the development would not accord with up-to-date development plan policies. The issue of need is assessed later in this report.

PPG 6 also requires the adoption of a sequential approach to site selection for all proposals outside existing centres. This approach should ensure that there are no sequentially preferable sites available at the time of the application. The sequential approach undertaken by the applicant is assessed later in this report.

The emerging Regional Spatial Strategy contains a number of generic policies aimed at improving the economic performance of the region whilst protecting the viability of existing centres.

Policy CNL4 identifies the regeneration of Morecambe amongst other areas whilst Policy W5 promotes retail investment that would assist regeneration but would not undermine the vitality and viability of existing centres.

Regional Policy SD3 also identifies Morecambe as one of several 'Regeneration Priority Areas', where visual amenity and the general range of attractions should be improved as a driver of regeneration.

Amongst other generic policies Policy EC8 provides a sequential framework for the siting of new retail and other commercial uses, and encourages town centre locations as part of this framework.

Policy 16 of the Joint Lancashire Structure Plan states that Morecambe is within the second tier of the County's retail hierarchy below centres that include Lancaster, Preston and Blackpool.

Policy S1 of the Lancaster District Local Plan identifies Morecambe as a 'District Centre' and says that it is an important convenience shopping centre. Development should only be permitted which is appropriate to the size and function of the centre in question.

Policy S2 stipulates, 'Very exceptionally, out-of-centre shopping will be permitted where the identified need cannot be met either in existing centres or in suitable edge of centre locations'. The policy also reinforces national and regional town centre policies.

Policy S8 says that new retail proposals that are consistent with Policy S1 and would improve the range and quality of shops within Morecambe Town Centre will be permitted.

Policy TO1 indicates that the site falls within the Morecambe Tourism Opportunity Area, and that new commercial development will be permitted which will enhance Morecambe as a visitor destination and make a positive contribution to the regeneration of the area. Proposals prejudicing the tourism and leisure role will not be permitted.

The Morecambe Town Centre Strategy is the subject of the City Council's Supplementary Planning Guidance (SPG) 11. This document lists a number of priority areas, including the upgrading of the Arndale Centre with an intention that it should remain the Town's main shopping area with improved linkages to visitor attractions. Whilst SPG 11 is still valid and is a material consideration, it has been overtaken by events in that it refers to the Factory Outlet Centre planning permission, which has since been superseded by the mixed use development approval. One of the benefits of the Factory Outlet scheme was described as "the creation of new retail floorspace and the attraction of quality retailers to the town".

The West End Masterplan identifies a number of key regeneration sites, one of which is the Frontierland complex. The report concludes that the creation of new employment opportunities is a core objective, particularly in the fields of arts, retail and leisure.

Quantitative Need

Quantitative need for the proposal is assessed by determining the likely future demand and capacity for additional (retail) floorspace, based upon issues such as population levels and forecast expenditure.

The applicant refers to the Lancaster Retail Study 2006 and correctly says that this study identifies considerable surplus expenditure to support additional non-food floorspace. They calculate that the Next store would have a 2008 turnover of £7.8M rising to £8.2M in 2011. This would account for just over 12.5% of the surplus expenditure in 2011.

There is some dispute over the methodology adopted. The Lancaster Retail Study is a strategic study and is not explicitly intended to demonstrate the need for specific schemes. The submission of comparative information would allow for a more reliable assessment to be made. The Local Planning Authority is of the view that the turnover figures quoted are low and that they should have been based upon a full company average figure. This would raise the turnover figures to £9.7M in 2008, increasing to £10.3M in 2011. This would represent a significant percentage (15.8%) of the district's identified surplus expenditure.

The applicant states that Morecambe is not a strong location for non-food retail activity and that this justifies the use of a reduced sales density (80%) to calculate turnover. Conversely the out-of-centre format has other advantages over high street formats and it may reasonably be assumed that this could enable the Morecambe store to trade at a higher level than in centre counterparts.

There is clearly quantitative need for new floorspace in the district, but the lack of comparative data is a regrettable and notable omission.

Qualitative Need

The applicant must demonstrate that there is a qualitative need for the proposal too. Their summary of the current situation is again informed by the Lancaster Retail Study, and they comment that the retail offer in Morecambe has declined since 2001 and that the centre is dominated by lower order non-food retailers, with few high street multiple retailers.

This is not disputed. In terms of the clothing and footwear offer in the town, there is considerable leakage of expenditure from Morecambe to other retail destinations. The proposal represents a major qualitative enhancement to the current offer and would reduce the need for residents of Morecambe, Heysham and the surrounding peninsula to travel to Lancaster and other destinations outside the district.

In terms of qualitative need the applicant has demonstrated a reasonable case. The critical issue of the relationship between the proposal and the existing Primary Shopping Centre is discussed under the 'Impact' paragraphs of this report.

Scale of Development

The addition of 873 square metres of gross floorspace equates to an increase of 327 square metres of net floorspace.

Based upon existing clothing and footwear provision in Morecambe, the scheme would result in a 27% increase in net floorspace. Given the population of Morecambe and Heysham, a unit of this scale does not appear to be unreasonable.

The Sequential Approach

Planning application 05/00929/FUL (for all three units) contained a sequential analysis that identified six potential sites, most of which were car parks that were not available for redevelopment.

The application site remains the same as previously considered and so the sequential approach undertaken remains valid. No new sites have arisen since consideration of 05/00929/FUL that require further assessment.

However the sequential analysis has its weaknesses because it fails to adequately consider the possibility of disaggregation and flexible retailing formats, other than restating the conclusions arrived at during the last application. It is however unlikely that a store of this scale could be accommodated on an alternative site on the edge of Morecambe Town centre at the present time.

Impact of the Proposal

PPS 6 advises that where development occurs in out of centre locations, Local Planning Authorities should assess the impact that the development will have on centres within the catchment of the proposal.

The applicant's revised Retail Impact Assessment makes the following headline conclusions:

- It is assumed that the trade draw arising from a Next Store of this scale in this location is broken down as follows:
 - (i) 40% of its clothing and footwear trade would be drawn from Lancaster City Centre;
 - (ii) 17.5% draw from Matalan, Sunycliffe Retail Park, Heaton with Oxcliffe;
 - (iii) 15% draw from Asda, Ovangle Road, Heaton with Oxcliffe;
 - (iv) 12.5% draw from Morecambe Town Centre;
 - (v) 10% draw from centres outside the district.
- The impacts upon Lancaster City Centre would include the transferral of custom from the Lancaster Next store to the Morecambe store. However Next have stated that they fully intend to retain the Lancaster branch. In actual terms the development is estimated to draw an additional £1.3M from Lancaster City Centre when compared to the previous application for this site;
- Asda and Matalan are seen as the stores that a retailer such as Next would be most likely to compete with in the district;
- The cumulative impacts upon Morecambe Town Centre rise by 0.3% when compared to the original planning approval for the three units. This equates to £0.17M;

- The impacts upon Preston, Kendal and Manchester increase because all three locations benefit from more than one Next store and trade transferral will occur as a result of a new Morecambe branch. However this impact will still be “relatively small”.

These headline figures lead the applicant to conclude that the trade diversion caused by a new Next store would “not be material”. With regard to Morecambe Town Centre, it is their view that the benefits of investor confidence associated with a new major retailer would result in ‘clawback’ expenditure, with the potential for linked trips to other shops and facilities in the resort.

There are a number of concerns regarding this analysis.

The Local Planning Authority believes that the floorspace, turnover and trade draw estimates provided by the applicant are questionable. The trade draw figures do not appear to be based upon survey evidence of current shopping patterns whilst the inclusion of Morrison’s within the Morecambe Town Centre estimates distorts the figures somewhat and prevents a more thorough assessment of impact.

A view could also reasonably be taken that allowing out of centre development for non-bulky retail goods may deter developers from investing in the core of Morecambe Town Centre. If Members are minded to approve the application, they should be aware that this could potentially lead to pressure for further town centre uses in this location, which could weaken Morecambe’s Primary Shopping Area.

The distance between the application site and Morecambe Town Centre, particularly the Primary Shopping Area, is one of the reasons that the local Chamber of Trade have objected to the proposal. It is true that the stores would be unlikely to act as ‘anchor stores’ for the Town Centre because of the geographical and physical detachment from the pedestrianised Arndale Centre. However Morecambe is very different from other urban centres because of its dispersed layout and built environment, and the continuation of its attractions and services along the resort’s promenade. In essence the centre has an ‘extended’ feel that may encourage visitors to walk further than they would around other ‘typical’ shopping centres.

The LDLP confirms the view that the town is dispersed and that, unlike many other urban areas that have an instantly recognisable single shopping centre, it identifies “three main elements” to Morecambe’s centre, namely:

The core of town centre shops focused around the Arndale Centre;
The range of gift shops, arcades and catering outlets along the Promenade;
The ‘new’ development area linking Central Drive to the Promenade.

All three areas have their own identity but they could potentially combine to form a geographically extended centre.

The assumptions made about the impact of the proposal have not, in the opinion of the Local Planning Authority, been substantiated by the applicant. There is no reason to doubt that significant trade diversion will occur from retailers like Asda and Matalan. There will also be clawed back expenditure to Morecambe and the possibility of some linked trips to other services and facilities. But the diversion of trade from Morecambe, and to a lesser extent Lancaster, has in our view been understated.

The Regeneration Benefits

The West End Masterplan describes the former Frontierland complex as a key redevelopment site. The design philosophy of the Plan seeks to “strengthen existing connections, whilst creating new linkages to the Town Centre”.

The Lancaster Retail Study recognises that there has been a lack of investment in Morecambe for a number of years and it recommends that the Primary Shopping Area could be slightly widened to encourage new development and attract investment. However the same study identified 'out-of-centre' shopping as a potential threat to Morecambe Town Centre.

The applicant has stated that the proposal would comply with Regional Planning Policies by virtue of it encouraging investment and regeneration within coastal resorts. In addition the electoral ward of 'Alexandra' has long been recognised as an area with high levels of social exclusion. Improving access to employment opportunities and retail facilities can alleviate these problems. It is however recognised that the previously approved scheme for a non-food bulky goods use could also deliver those benefits.

Significant weight is attached to the attraction of a retail name such as Next to Morecambe. The applicant comments that this "should hopefully encourage further retail investment and regeneration in the town". If this is correct, and if Members are minded to approve the proposal, then it is not unreasonable that a personal permission be considered, where in the event that Next do not occupy the unit then the previous planning conditions agreed under the 2005 approval would re-apply. Bearing in mind that this is a finely balanced case, this approach would allow the Local Planning Authority to consider the impacts of future retail operations in this unit and ensure that they did not adversely affect the Town Centre and would deliver the same regeneration benefits alluded to by the applicant. A similar approach is advocated by Government Circular 11/95 as a justifiable exceptional circumstance. A lesser-quality, unrestricted retail use would not have the effect of stimulating retail investment in the manner that the application currently envisages.

The provision of 70 new jobs (21 full time equivalents) constitutes a considerable economic benefit.

The Frontierland site as a whole is in desperate need of a comprehensive, holistic redevelopment that connects the West End and the promenade to the public transport nodes and the Town Centre. A development that can accelerate this core objective would be a major benefit.

Transport and Accessibility

The addition of the additional floor space does not raise any new highway observations. The County Highways Department have however reiterated their original request for a contribution of £70,000 towards improving multi-modal access at the railway station. £30,000 would provide CCTV to the railway station and £40,000 would contribute to the upgrading of four bus stops.

The applicant believes this is unreasonable because the traffic movements will not fundamentally change.

The Local Planning Authority did not impose the £70,000 contribution on the 2005 planning consent because it was of the view that other negotiated measures would take priority.

Planning Obligations should be used sparingly, but they are justified where a development would have unacceptable impacts and the matters proposed via obligation would alleviate or remove those impacts.

The full regenerative benefits can only be achieved if the application site enhances its linkages with the Town Centre and the West End. By upgrading the quality and security of the public transport nodes close to the site as suggested by County Highways, that objective would be achieved as far as could reasonably be expected.

It must also be considered that the previous consent for a bulky goods retailer would result in a greater number of car-borne journeys by shoppers who would, in most circumstances, require private transport to carry goods home. Given that bulky goods would no longer be the predominant use, there is a realistic prospect of more shoppers arriving by public transport.

The Local Planning Authority is of the opinion that there is a functional link between the proposal and the measures suggested. Consequently the request for a contribution is justifiable, given the change in circumstances proposed by this application.

Amenity Considerations

It is considered that the disparities between this application and its predecessor are relatively minor in terms of visual amenity. The proposal will of course represent a vast improvement on the appearance of the previous amusement park use and the noise generated by that use of the land.

The landscaping negotiated via application 05/00929/FUL is an important feature of the scheme as a whole and will allow the service areas to be adequately screened. This reflected concerns that were raised by local residents during the 2005 planning application consultation. No observations have been made from residents in respect of this application.

The alterations to the appearance of the unit are minor. The previous permission stated that the upper portion of the unit was to be panel-clad and this design is repeated again here. The colour of the panels will be silver.

Conclusions

In assessing the development the Local Planning Authority has made the following conclusions.

Need: There is a quantitative need for non-food retail floorspace in the district but the applicant's case is not conclusive and could have been strengthened further by the provision of comparative data. The reliance on data contained in the Lancaster Retail Study is regrettable considering that this should not be used in isolation to justify a particular scheme.

In terms of qualitative need the applicant has demonstrated a reasonable case and the new store would represent a much-improved clothing and footwear offer in the town, which would recapture some of the expenditure that leaks to other retail destinations.

Scale: The scale of the development is considered acceptable given the population of Morecambe and Heysham.

Sequential Analysis: There are unlikely to be any more central sites that are sequentially preferable than the one before Members. The Retail Planning Statement could have been more detailed by comprehensively addressing the potential for disaggregation.

Impact: The proposal is likely to impact upon other retailers such as Asda and Matalan, but the impacts upon Morecambe Town Centre have, in our view, been understated by the applicant. The inclusion of Morrison's within the estimated turnover statistics only serves to skew the figures. It is realistic to assume that the proposal would have some impact upon clothing retailers in the Primary Shopping Area and may deter further investment in those areas.

The distance between the application site and the Primary Shopping Area means that the possibility of linked trips to other services and facilities is by no means guaranteed. However the extended layout of Morecambe is different to other urban centres and the important role played by the promenade may encourage some linked trips. Linked trips are perhaps more likely to be undertaken by those arriving via public transport, rather than those who arrive by car and park outside the Next store.

Transport & Accessibility: The site is accessible by car, bus and rail, although linkage could be improved. The multi-modal contribution requested by County Highways would enhance the accessibility of the site.

Cycle and pedestrian linkage will develop further through the implementation of the previous planning approvals for the site as a whole. The linkage to the West End is critical.

Regeneration: The previously approved scheme would also bring about regeneration of the site. However the investor confidence provided by a major retailer such as Next may act as a catalyst to the redevelopment of the Frontierland site as a whole. This confidence would not, in the view of the Local Planning Authority, occur if this were an unrestricted retail unit (which may also, theoretically, be subdivided if a major retailer did not occupy the building) and the wider benefits to Morecambe would be less tangible.

The creation of 70 jobs also contributes to the regeneration justification for this proposal.

The proposal unquestionably constitutes out of centre retail development. Given the Local Planning Authority's view that the submitted Retail Planning Statement is not conclusive, a decision to support this proposal would be contrary to local and national planning policy.

However there is a compelling case to warrant an exceptional approach. The opportunity to enhance the retail offer in Morecambe, which is a town that desperately requires this type of investment and commitment, can only serve to encourage further investment in the urban centre. It would also, in our view, accelerate the regeneration of the wider Frontierland site, which occupies a prominent position in the resort. The continuing derelict nature of this site is a barrier to further investment.

The exceptional approach is based on the regeneration benefits associated with a major retailer being the end user of the unit. If Next or a similar higher order quality retailer were not the tenant of this unit, then there would be no safeguard over the type of retail use that may occur. Economics may suggest that smaller retailers may never occupy the unit in question, but there is no guarantee that this would be the case.

The applicant has expressed their view that they would be unwilling to accept a personal permission. However if this is not imposed, our view remains that the exceptional approach justified by the regeneration/investment argument is considerably weakened.

In the event of Next failing to occupy the unit, or deciding to vacate the premises after a period of time, the planning condition would require the use of the unit to revert back to that approved under 05/00929/FUL. The applicant would also have the opportunity to vary the condition via the submission of a new planning application, to allow a different major retailer to occupy the premises. This would then be determined on its own merits.

There is no alternative form of control that would provide this assurance and the condition is considered appropriate under the provisions of Circular 11/95.

All other conditions imposed on application 05/00929/FUL are still relevant and a condition reiterating this point is necessary.

Providing that the permission is made personal to Next, and subject to a legal agreement seeking to improve multi-modal access to the site, then the 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 **PLANNING PERMISSION BE GRANTED** subject to the signing of a Section 106 Agreement to improve off-site multi-modal transport access, and subject to the following conditions: -

1. Standard 3 year consent.
2. Development/use as per approved plans.
3. Personal permission (to Next) and reversion of the use to that approved by 05/00929/FUL if Next fail to occupy or vacate the premises.
4. All external elevational and roofing materials to be agreed (notwithstanding the plans approved).
5. Details of glazing, frames, canopies, copings and footway surfaces to be agreed (notwithstanding the plans approved).
6. All conditions imposed under 05/00929/FUL still applicable.
7. Hours of opening to be agreed.
8. Standard hours of construction.
9. As required by consultees.

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DECISION DATE 8 January 2007	APPLICATION NO. 06/01370/DPA A16	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED CONSTRUCTION OF SHARED USE CYCLEWAY / FOOTWAY	SITE ADDRESS FOOTPATH 31 KNOWLYS ROAD HEYSHAM LANCASHIRE	
APPLICANT: Lancaster City Council Town Hall Dalton Square Lancaster LA1 1PJ	AGENT: Engineering Manager	

REASON FOR DELAY

N/A

PARISH NOTIFICATION

None to date, any comments will be reported directly to the Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Designated as Key Urban Landscape and part of the Strategic Cycle Network. Adjacent to the Heysham village Conservation Area.

STATUTORY CONSULTATIONS

County Highways - Views awaited
Economic Development (Cycling Officer) - Views awaited

OTHER OBSERVATIONS RECEIVED

Councillor Knight has received several objections to the scheme. The main concerns appear to be:-

The inevitable danger posed to pedestrians (mainly the elderly & children) on both the footpath and adjoining Play Area due to cyclists gaining high speeds when descending (freewheeling) the steep gradient from the cliff top footpath.

The danger posed to toddlers and the very young on bikes when descending the path to the Play Area - deviation from the path could lead to serious injury or even a fatality due to the openness and sheer drop to the lower concrete seawall footpath.

By introducing cycling there will be the loss of amenity of a tranquil cliff top footpath with unsurpassed views.

The loss of a mature coastal hawthorn tree simply to widen a footpath across a field that has been used by locals and visitors for centuries.

An inappropriate location for a cycle path as the lower seawall footpath which is dry, flat and of good width will easily take cyclists straight to the heart of Heysham village - thereby completing a flat promenade cycle route from one end of the promenade to the other, eliminating any difficult gradients.

Widening the footpath may encourage access to electric scooters on what is a potentially dangerous section of footpath, possibly opening up night time access to a Play Area which is already suffering from severe juvenile nuisance and vandalism.

A neighbouring landowner has raised a query as to whether he enjoys rights and is a party to an agreement in 1946 that allowed the development of a footpath link from Knowlys Road to the cliff top path. This agreement was between the original owners of the land and the local authority of the time. The neighbouring landowner is of the opinion that his consent is required for any works to the footpath link. However, following discussion with Property Services it is the opinion of the local authority that this particular landowner does not have any rights in respect of the land involved with the application and only the landowner which is party to the agreement has been fully consulted.

A petition of forty five names has been received from local residents. The main comments relate to the possible conflict of cyclists with pedestrians on the hill leading to the children's playground. Concern is also raised that this end of the promenade is quiet and scenic and should not be disturbed by the development of the cycle route.

A letter of support has also been received by a local resident, praising the current works along the promenade and the development of safe, pleasurable cycle routes.

REPORT

Members will recall that this application was initially presented to the Planning Committee at the meeting held on 18 December 2006 where it was deferred to enable a site visit to be undertaken.

Site and its Surroundings

The application site is located between Knowlys Road and the Promenade close to the Old Bay Cottages, Heysham. The site partially occupies the line of public footpath No. 31 which links Knowlys Road to the high level footpath running from Old Bay Cottages to Bailey Lane. The remaining part of the site is part of an agricultural field immediately to the south of the existing footway.

The Proposal

The current proposal seeks to develop a shared cycle/pedestrian link between Knowlys Road and the Promenade. The link comprises a 3.0m wide tarmac route with 0.5m wide grass verges to either side. The southern boundary to the link alongside the agricultural land will be formed with a new stock proof fence 1.4m in height.

The link is partially constructed on the line of an existing public right of way. This section is currently 2.0m wide and will be widened to 4.0m overall. The widening of the route will involve the loss of one hawthorn and the trimming back of several trees which currently overhang the route. The remaining section linking the promenade to the higher levels is to be constructed as a segregated section within the neighbouring agricultural land. A widening of the existing footpath over this rising section was considered but determined to be unsafe given the close proximity to existing steep drops and the use of the link by cyclists.

Planning History

The site has no related planning history.

Planning Policy

The site falls within an area designated as Key Urban Landscape, planning policy E31 seeks to conserve the features of the land and only permits development which preserves the open nature of the land together with its character and appearance. The adjoining pathway is also identified as part of the Strategic Cycle Network (Policy T24) within the Lancaster District Local Plan. The policy seeks to protect the route from development which could prejudice the route. It also seeks to encourage the creation of links to the network.

Comments

The proposal has generated a number of concerns over both its development and rights enjoyed by certain parties/landowners. It is considered that part of the concerns raised by residents letters and petition have been addressed in the design of the cycle route, as indicated earlier in the report the steeply rising/falling section of the cycle route has been designed as a segregated route in order to address the potential for conflict on the steeper section and for cyclists safety, keeping them away from the edge of the cliff. This approach will keep the existing cliff path open to only pedestrians as cyclists will be directed onto the separate route. It is acknowledged that the level section will be shared but this section will have less potential for conflict and will be segregated by the introduction of a lined lane as is common on the other cycle routes within the District.

The tree to be lost is an elder and a poor specimen, the neighbouring boundary to the existing route is lined with mature hawthorns and will remain unaffected by the proposal other than localised trimming where the branches are overhanging the route, a situation which already occurs and needs to be addressed.

The lower seawall path may well be available but is wholly impractical as a cycle route as it ends with a flight of steps leading up to a limited width footpath. A route which should not be encouraged for use by cyclists.

Byelaws relating to the promenade have recently been amended to permit cycling along the full length of the promenade to reflect the designation of the route as part of the strategic Cycle Route. This proposal will develop a link from the main designated route into Heysham village. This link is one of a number currently being developed within the District in line with the aims of the Local Plan and as part of the targets set within the Cycling Demonstration Town Project to which Lancaster City Council has received funding.

It is acknowledged that the creation of the cycle route will have a small take up of agricultural land designated as Key Urban Landscape. However, the land take is small and by its nature the land will remain open. In addition, this form of proposal is encouraged in the transport policies, developing the Strategic Cycle Network. Overall, it is considered that the development accords with the aims of local planning policy and should 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** subject to following conditions: -

1. Standard time limit.
2. Development to be built in accordance with the approved plans.
3. As may be required by the consultees.

LOCAL GOVERNMENT ACT 1972**List of Background Papers****Schedule of Planning Applications for Consideration by Planning Committee on 22 January 2007**

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: -

A6 Planning Application – 03/1409/FUL
Joint Lancashire Structure Plan

A7 Planning Application – 03/502/FUL

A8 Planning Applications – 99/304/CU
04/1253/FUL
05/651/FUL
06/915/FUL
PPS7

A9 SPG12

A10 SPG7

A11 Planning Application – 06/1361/FUL

A12 Planning Applications – 84/1086
85/617
91/1333
93/00007/CU
06/546/ELDC
06/1102/CU

PPS1
PPS7
PPG13

A13 Planning Application – 06/1196/REM

A15 Joint Lancashire Structure Plan
Planning Applications – 05/00929/FUL
00/00967/FUL

PPS6
PPS1
Regional Spacial Strategy Policy CNL3, WS
SD3
EC8
SPG11
Circular 11/95

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
06/00427/CU	Former Dwelling Adjoining , Roeburn Lodge, Harterbeck Change of use from domestic storage facility to domestic dwelling for Dr S Parker	Application Permitted
06/00882/FUL	14 The Cliffs, Heysham, Morecambe Erection of replacement side conservatory together with a raised decking including installation of hot tub for Mr Tobias Berr	Application Refused
06/00955/ADV	5 - 7 Hornby Road, Caton, Lancaster Retention of various signs for United Co-Op Store	Application Permitted
06/01106/CU	110 High Road, Halton, Lancaster Change of use application to create doctors surgery, dispensary and one self contained flat with alterations and extension for Ash Tree Surgery	Application Permitted
06/01107/FUL	10 Westbourne Road, Middleton, Morecambe Demolition of existing porch and erection of new larger porch to create better access for disabled person for Mr R Dakin & Mrs P Dakin	Application Refused
06/01113/FUL	28 Homfray Grove, Morecambe, Lancashire Erection of two storey side and single storey rear extensions for Mr & Mrs S Whyte	Application Refused
06/01146/FUL	1 Escowbeck House, Caton Road, Quernmore Erection of a wooden garage/shed for Dr J D Marriott	Application Refused
06/01148/FUL	Bond Gate Farm, Abbeystead Road, Dolphinholme Erection of new field access gate for Mr & Mrs Ian Collinson	Application Permitted
06/01163/FUL	19 Victoria Street, Morecambe, Lancashire Installation of a new shop front for Mr J D Gallagher	Application Withdrawn
06/01172/FUL	White Lodge, 31 Arrow Lane, Halton Erection of a two storey extension to the front and erection of a new garage to the side and new roof to porch for Mr & Mrs S Menzies	Application Permitted
06/01193/FUL	20 Bare Avenue, Morecambe, Lancashire Erection of single storey extension to the side for Ms J Kenny	Application Permitted
06/01204/FUL	133 Coulston Road, Lancaster, Lancashire Erection of a single storey side extension to replace existing conservatory for Mr & Mrs B Slinger	Application Permitted
06/01226/FUL	45 Slyne Road, Morecambe Erection of a two storey extension to the side for Mr & Mrs Gates	Application Permitted
06/01234/FUL	22 Tranmere Crescent, Heysham, Morecambe Erection of a two storey extension to the side with car port for Mr L Gallagher	Application Permitted

06/01238/CU	126 Ulleswater Road, Lancaster, Lancashire Change of use and conversion of retail storage facilities and residential property to create an additional residential dwelling with minor external alterations for Mr & Mrs Wilson	Application Refused
06/01248/LB	8 Castle Park, Lancaster, Lancashire Listed Building application to remove 2 internal walls for David & Catherine Fatin	Application Permitted
06/01250/FUL	The Duke Of Rothesay, Rothesay Road, Heysham Erection of roof over patio area and creation of porch for The Duke Of Rothesay	Application Permitted
06/01252/FUL	York Hotel, Lancaster Road, Morecambe Erection of first floor veranda and fire escape for The Duke Of York	Application Refused
06/01254/FUL	22 Gleneagles Drive, Lancaster, Lancashire Erection of extension over existing garage to form granny flat accommodation and extension to kitchen for Mr J Mom	Application Refused
06/01260/FUL	Moorcock Hall, Quarry Road, Claughton Installation of velux roof lights and erection of a stable block for Powerzap Limited	Application Refused
06/01261/FUL	Nans Nook Farm, Bay Horse, Elhel, Lancashire Erection of a new detached garage for Mr & Mrs Dainty	Application Permitted
06/01262/FUL	61 Scotforth Road, Lancaster, Lancashire Installation of roller shutter for Mr & Mrs A Hall	Application Permitted
06/01263/FUL	2 Sand Lane, Warton, Carnforth Erection of a detached garage to the front for Mr & Mrs Allen	Application Permitted
06/01275/FUL	South Tilery Cottage, Postern Gate Road, Quernmore Alterations and extensions for Mr And Mrs M J Wain	Application Permitted
06/01276/FUL	Craigneil, 446 Marine Road East, Morecambe Extensions and alterations including construction of additional storey for Mr & Mrs Hinde	Application Permitted
06/01277/FUL	263 Heysham Road, Heysham, Morecambe Erection of a conservatory to the rear for Mr S Wilson & Miss J Piercy	Application Refused
06/01279/FUL	Old Hall Farm, Over Hall Road, Ireby Alterations to the rear elevation for Mr & Mrs Key	Application Permitted
06/01280/FUL	Thornton Lodge Residential Care Home, Thornton Road, Morecambe Erection of a two storey extension to rear and change of use of linked flat to residential care home accommodation for Mr R & K Taylor	Application Permitted
06/01281/CU	Land To The North Of Yew Tree Barn, Kirkby Lonsdale Road, Over Kellet Change of use of garage to holiday cottage and installation of new septic tank for Mr & Mrs C Nichol	Application Permitted

06/01282/CU	17 Clarendon Road East, Morecambe, Lancashire Change of use of house in multiple occupation to single dwelling incorporating demolition of outrigger to rear for Adactus Housing Association	Application Permitted
06/01283/CU	7 Clarendon Road East, Morecambe, Lancashire Change of use of house in multiple occupancy into single dwelling incorporating removal of outrigger to rear for Mr Richard Ingram	Application Permitted
06/01284/ADV	The Shrimp Inn, Lancaster Road, Morecambe Erection of various signs for Mitchells & Butler	Application Permitted
06/01286/FUL	Garages On, Queens Drive, Carnforth Erection of four replacement garages for United Utilities NW	Application Permitted
06/01287/CU	1B Queen Street, Lancaster, Lancashire Change of use to offices and consultation rooms with new entrance and reception area (use classes A2, B1 and D1) for Queen Square Medical Practice	Application Permitted
06/01288/LB	1B Queen Street, Lancaster, Lancashire Listed Building Consent for use as offices and consultation rooms with new entrance and reception area (use classes A1, B1 and D1) for Queen Square Medical Practice	Application Permitted
06/01293/CU	10 Deansgate, Morecambe, Lancashire Change of use application from a shop into a physiotherapy clinic with new shop front for Mr D Edge	Application Permitted
06/01294/LB	New Inn, Hornby Road, Wray Listed Building Consent for internal alterations for Mr And Mrs D Towers	Application Permitted
06/01296/ADV	Rosebank Pharmacy, Pointer Court, Lancaster Application for consent to display 3 advertisements for L Rowland And Co (Retail) Ltd	Application Permitted
06/01299/FUL	2 Schoolhouse Lane, Halton, Lancaster Erection of a conservatory to rear for Mr S Hogarth	Application Refused
06/01300/FUL	1 Kirkbeck Close, Brookhouse, Lancaster Single storey rear sun lounge extension and conversion of single garage to bedroom with en suite for Mr & Mrs Mayer	Application Refused
06/01302/FUL	37 Scotforth Road, Lancaster, Lancashire Erection of a garage to the rear for Mr M Hargreaves	Application Permitted
06/01303/FUL	7 George Street, Lancaster, Lancashire Alterations to front and rear elevations and new vehicular access to rear for United Co-operatives Ltd	Application Refused
06/01304/FUL	8 Sharpes Avenue, Lancaster, Lancashire Erection of single storey side extension for Mr F Starbuck	Application Permitted
06/01305/FUL	1 Warwick Avenue, Lancaster, Lancashire Erection of a conservatory to rear for Mr Onn	Application Permitted

06/01306/FUL	1 Lansdowne Road, Morecambe, Lancashire Erection of a dormer to side for Mr J Worthington	Application Refused
06/01307/FUL	221 Marine Road Central, Morecambe, Lancashire Alterations to front and other remedial works for Mr D Mahmood	Application Permitted
06/01308/LB	221 Marine Road Central, Morecambe, Lancashire Application for Listed Building Consent for alterations to front and other remedial works for Mr D Mahmood	Application Permitted
06/01309/CON	17 Clarendon Road East, Morecambe, Lancashire Conservation area consent to demolish outrigger to rear for Mr R Ingram	Application Permitted
06/01311/FUL	7 Kendal Drive, Morecambe, Lancashire Erection of a conservatory and replacement garage to rear for Mr & Mrs Ardis	Application Permitted
06/01312/FUL	65 Altham Road, Morecambe, Lancashire Erection of conservatory and detached garage to rear for Miss D Boyle	Application Permitted
06/01313/FUL	2 Peel Crescent, Lancaster, Lancashire Erection of a single storey extension to rear for Mr & Mrs N Muckalt	Application Permitted
06/01316/FUL	Old Hall Farm, Over Hall Road, Ireby Erection of a detached garage for Mr & Mrs Key	Application Permitted
06/01317/FUL	Land At Scotland Road, Carnforth Erection of a storage building for Travellers Choice	Application Permitted
06/01319/CON	7 Clarendon Road East, Morecambe, Lancashire Conservation Area Consent to demolish the outrigger to rear for Mr Richard Ingram	Application Permitted
06/01321/FUL	Plot 2, Port Of Heysham Industrial Park, Heysham Erection of workshop, offices and stores for H And S Transport	Application Permitted
06/01322/FUL	Hazelwood Hall (Hazeldene Nursing Home), Hollins Lane, Silverdale Demolition of part of existing and retention of replacement storage pavilion for Pringle Construction Ltd	Application Permitted
06/01323/FUL	15 Tennyson Close, Bolton Le Sands, Carnforth Erection of a two storey side extension for Mr P J Norman	Application Permitted
06/01325/FUL	Kilnview, 15B Main Street, Warton Retention of car port and haystore for Mr F Holmes	Application Permitted
06/01327/FUL	10 Marsh Lane, Cockerham, Lancaster Extension to existing storeroom building to form annex for Mr R McAvoy	Application Permitted
06/01329/FUL	Westfield, Gaskell Close, Silverdale Erection of extensions and alterations for Dr & Mrs Rattenbury	Application Permitted

06/01331/FUL	39 Scotforth Road, Lancaster, Lancashire Erection of a kitchen/sun lounge extension to ground floor and a bedroom to first floor and erection of a detached garage to replace existing for Mr & Mrs M Drinkall	Application Refused
06/01332/ADV	11 Oxcliffe Road, Heysham, Morecambe Installation of externally illuminated fascia sign & replacement of existing illuminated projecting sign for Martin Mccolls Ltd	Application Permitted
06/01333/FUL	1 Squirrel Chase, Lancaster, Lancashire Retention of pond and erection of a filter house for Mr And Mrs Ho	Application Permitted
06/01334/FUL	25 Bailey Lane, Heysham, Morecambe Demolition of existing bathroom and erection of a new single storey extension to form bedroom and bathroom to the rear for Mr And Mrs M Wood	Application Permitted
06/01335/FUL	1 Plover Drive, Heysham, Morecambe Erection of a conservatory to rear for Mr & Mrs L T Marshall	Application Permitted
06/01336/FUL	Bottomdale Caravan Park, Bottomdale Road, Slyne Demolition of toilet block and erection of new holiday chalet with associated landscaping and amenity area for T & K Hanley	Application Permitted
06/01337/FUL	20 Hest Bank Lane, Hest Bank, Slyne With Hest Partial demolition of existing dwelling, and rebuilding to form two storey dwelling for E And K Livermore	Application Permitted
06/01338/REM	Southmire Barn, Silly Lane, Tatham Reserved Matters application for the conversion and extension of a stone barn to provide agricultural workers dwelling and the construction of an agricultural building for the use as a coldroom, preparation area and storage for Mr A D Holland	Application Permitted
06/01339/LB	3 Castle Hill, Lancaster, Lancashire Listed Building Consent for alterations and refurbishment and demolition of small rear extension for Mr & Mrs Patel	Application Permitted
06/01340/CU	3 Castle Hill, Lancaster, Lancashire Change of use from doctors surgery to single dwelling for Mr & Mrs Patel	Application Permitted
06/01341/FUL	Unit 1a And 1b, Co-Op Garages , The Old Co-Op Bakery Erection of a new external access stair to first floor for P J H Kennon	Application Permitted
06/01342/CU	25 Clarendon Road East, Morecambe, Lancashire Conversion of flats to single dwelling, including removal of rear outrigger and landscape works to external spaces for Adactus Housing Association	Application Permitted
06/01343/CON	25 Clarendon Road East, Morecambe, Lancashire Conservation Area application for consent to demolish rear outrigger for Adactus Housing Association	Application Permitted

06/01344/ADV	2 - 8 King Street, Lancaster, Lancashire Retrospective Application for Installation of new shop signs and projecting sign for Waterstones	Application Permitted
06/01345/FUL	13 Clarksfield Road, Bolton Le Sands, Carnforth Erection of a single storey rear extension for Mr & Mrs K Nicholls	Application Permitted
06/01346/FUL	7 Esthwaite Gardens, Lancaster, Lancashire Conversion of existing garage into dining room and erection of a new detached garage for Ms Deft	Application Permitted
06/01351/FUL	Newton Green Barn, Docker Lane, Newton Alteration to fenestration on south east elevation for Mr & Mrs C Conway	Application Permitted
06/01352/FUL	149 Bare Lane, Morecambe, Lancashire Erection of a conservatory to the rear for Mr & Mrs Wright	Application Refused
06/01354/ELDC	16 South Road, Lancaster, Lancashire Certificate of Lawful Use for use as two flats and four bedsits for Mr Mark Drinkall	Application Permitted
06/01355/FUL	18 Harrowdale Park, Halton, Lancaster Erection of a dormer to the rear and velux windows to the front and rear for Mr & Mrs D Garside	Application Permitted
06/01356/FUL	14 Eastham Street, Lancaster, Lancashire Erection of a single storey rear extension for Mr S Ashby	Application Permitted
06/01360/FUL	13 Thirsk Road, Lancaster, Lancashire Erection of extension involving raising the ridge of the roof for Mr & Mrs W Haworth	Application Refused
06/01362/FUL	53 Oxcliffe Road, Heysham, Morecambe Erection of dormers to front and side for Mr D Lambert	Application Refused
06/01364/CU	1 Stirling Road, Lancaster, Lancashire Change of use and conversion of launderette and flat into single dwelling for Mr S Master	Application Permitted
06/01365/PAM	Land On Grass Verge, Penrod Way, Heysham Erection of a 15m monopole with 3 no. antennae, 1 no dish and equipment cabins for Orange PCS Ltd	Application Permitted
06/01367/FUL	12 Coach Road, Warton, Carnforth Erection of a two storey extension and canopy for Dr Sykes	Application Permitted
06/01368/FUL	69 Westbourne Road, Lancaster, Lancashire Erection of single storey extension to side, construction of dormers to front and rear and construction of extension to roof for Mr & Mrs Maggs	Application Refused
06/01375/FUL	Benholme, Ashford Avenue, Lancaster Erection of a two storey extension to the side for Mr & Mrs C Gavaghan	Application Permitted

06/01377/CU	Thorneycroft, Kirkby Lonsdale Road, Arkholme Change of use of land used for caravan site to domestic curtilage and change of use of part domestic curtilage to agricultural land, refurbishment of existing house including new extensions and alterations to existing access for Mr And Mrs M Leaf	Application Permitted
06/01379/FUL	Tarnwater House, Tarnwater Lane, Ashton Erection of stable block on land to rear for Mr W Pye	Application Permitted
06/01380/ADV	4 - 6 Market Street, Lancaster, Lancashire Installation of a new illuminated shop sign for The Body Shop International Plc	Application Refused
06/01381/FUL	24 Lister Grove, Heysham, Morecambe Erection of a two storey extension to the rear for Mr & Mrs E Hamilton	Application Permitted
06/01383/FUL	7 Hawthorn Avenue, Brookhouse, Lancaster Erection of a conservatory to the rear for Mr R Twiname	Application Refused
06/01384/FUL	21 Grosvenor Court, Carnforth, Lancashire Repositioning of existing garage approved on application 06/00793/FUL for Mr R Harris	Application Permitted
06/01385/CU	Burrow Cottage, Burrow Heights Lane, Lancaster Change of use of land to domestic curtilage, erection of double garage and creation of new access for Mr & Mrs A Stanyon	Application Permitted
06/01386/FUL	44 Regent Street, Lancaster, Lancashire Amendment to planning application 05/01314/CU for revised 2 storey extension proposed for a single dwelling house for A Hutchinson / A Philip	Application Permitted
06/01388/ADV	8 Penny Street, Lancaster, Lancashire Installation of a non illuminated fascia sign and projecting sign for Thorntson Plc	Application Permitted
06/01393/FUL	52 Oak Drive, Halton, Lancaster Erection of two dormer windows to the front and conversion of roof at the rear to form an additional storey for Mr & Mrs Taylor	Application Refused
06/01394/FUL	Dyke House, Lindeth Road, Silverdale Erection of a porch to the rear for Mr J Pritchard	Application Permitted
06/01396/FUL	5 Westgate Avenue, Morecambe, Lancashire Erection of a two storey extension to the rear for Mrs S Norris	Application Permitted
06/01397/CU	Unit 7, Northgate, Morecambe Change of use from auto parts shop (class A1) to hot food takeaway (class A5) for Mrs P Airey	Application Refused
06/01398/PA	Telephone House, Fenton Street, Lancaster Prior Approval of Details for the installation of additional 2 no. transmission dishes on existing plant room, 1 no. transmission dish and 1 no. equipment cabin on new steel grillage for Vodafone Limited	No further details PA

06/01400/FUL	22 West Drive, Lancaster, Lancashire Erection of extensions to side and rear for Trevor McMeeking	Application Permitted
06/01402/FUL	51 Winthorpe Avenue, Morecambe, Lancashire Erection of a conservatory to the rear for Mrs A Reid	Application Refused
06/01403/FUL	67 Broadway, Morecambe, Lancashire Erection of extensions and alteration to methodist manse to provide study, toilet and bedroom for The Morecambe And Heysham Methodist Circuit	Application Permitted
06/01406/FUL	57 Redruth Drive, Carnforth, Lancashire Erection of a conservatory to rear for Mr Biegayowski	Application Permitted
06/01413/CU	Brookside, Whams Lane, Bay Horse Change of use of workshop building to domestic stables and creation of a new access for Mr Ken Parker	Application Withdrawn
06/01420/FUL	34 Oak Drive, Halton, Lancaster Erection of a conservatory to the rear for Mr J Lund	Application Permitted
06/01422/AD	Beechwood Farm, Lancaster Road, Cockerham Agricultural determination as to whether further details are required for the erection of an open silage clamp for Messrs Walmsley	Further Details Not Required (AD/PA)
06/01423/FUL	9 Swift Gardens, Heysham, Morecambe Erection of a conservatory to rear for J Muckle	Application Permitted
06/01424/FUL	18 Moon Bay Wharf, Heysham, Morecambe Retrospective application for the retention of conservatory to rear for Ms S Rostron	Application Permitted
06/01425/FUL	51 Sea View Drive, Hest Bank, Lancaster Proposed linking of two existing dormers at rear for Mr & Mrs P Worley	Application Permitted
06/01438/FUL	2 Warwick Avenue, Morecambe, Lancashire Erection of a conservatory to the rear for Mr & Mrs Regan	Application Permitted
06/01439/FUL	89 Stanley Road, Heysham, Morecambe Erection of a two storey rear extension for Mr N Richardson	Application Permitted
06/01441/FUL	64 Coastal Road, Hest Bank, Lancaster Erection of a dining room/bathroom extension to the rear for Mr & Mrs I Hall	Application Permitted
06/01444/FUL	Berry Cottage, Lancaster Road, Caton Erection of an open fronted garage and store for Mr Sumner	Application Permitted
06/01445/FUL	10 Ascot Gardens, Slyne, Lancaster Erection of rear conservatory and rear dormer for Mr & Mrs Woods	Application Permitted
06/01446/FUL	12 Aldrens Lane, Lancaster, Lancashire Installation of new shop front for Mr S Clarke	Application Permitted

06/01449/FUL	7 Draycombe Drive, Heysham, Morecambe Alterations to roof with dormer windows and roof terrace to the front and velux windows to the sides for Mr &Mrs Nellis	Application Permitted
06/01450/FUL	117 Slyne Road, Bolton-le-Sands, Carnforth Erection of single storey rear extension with attached garage for Mr C Hunter	Application Permitted
06/01453/FUL	7 Chester Place, Lancaster, Lancashire Erection of new garage and rear conservatory for Mr & Mrs D Whalley	Application Permitted
06/01514/AD	Fleet Green Farm, Tatham, Lancashire Agricultural Determination for the erection of an agricultural storage building for Fleet Farm	Further Details Not Required (AD/PA)

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APPEAL STATISTICS – JANUARY 2007

<u>APP NO.</u>	<u>TYPE</u>	<u>APPELLANT</u>	<u>DEVELOPMENT</u>	<u>SITUATION</u>
06/00145/CU	WR	Mr Toynbee	40 - 41 Sandylands Promenade, Heysham Change of use and conversion of single dwelling into two houses	APPEAL WITHDRAWN 11/10/06
06/00541	WR	Julie Farrer	J Cole Handymans Builders Stores, Torrisholme Square, Morecambe Retrospective application for the erection of externally illuminated fascia signs	Start Date 30/10/06 Statement sent 17/11/06
05/00709	IH	Mr D Ibbetson	Little Scar Farm, Hornby Road, Roeburndale Outline application for the erection of an agricultural workers dwelling	APPEAL DISMISSED 22/11/06
05/00103/OUT	PI	Countrywide 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	APPEAL DISMISSED 13/11/06
05/01579/FUL	WR	B Sanderson	6 Rushley Drive, Hest Bank Retention of rear side boundary fence.	APPEAL DISMISSED 13/11/06
06/00388	WR	Mr A D Smillie	Unit 16, Whitefield Place, Heaton With Oxcliffe Change of use of unit to retail	Start Date 10/10/06 Interested Parties Informed 12/10/06 Questionnaire Posted 13/10/06 Statement Posted 18/10/06 Site Visit 03/01/07
06/00531/FUL	WR	Mr Hanley & Miss Kelley	The Spinney, Castle Park, Monteagle Square, Hornby Erection of a two storey extension to front	APPEAL ALLOWED 22/11/06

06/00391	WR	Kevin Grove (Overton) Association	Land To Rear Of 2 4 6 8 10, Kevin Grove, Overton Change of use of agricultural land to domestic garden	APPEAL DISMISSED 13/12/06
05/01522 *	WR	Mrs H E Lloyd	Land Opposite Hudsons Farm, Caton Road, Quernmore Change of use of agricultural land to a mixed use of agriculture and motorcycle scrambling area	New Start Date 01/11/06 Interested Parties Informed 06/11/06 Questionnaire Posted 16/10/06
06/00384	WR	Rushley House Retirement Home	327 Lancaster Road, Morecambe Erection of a ground floor extension to increase bedrooms from 13 to 19 and associated facilities	Start Date 10/10/06 Interested Parties Informed 12/10/06 Questionnaire Posted 17/10/06 Site Visit 16/01/07
06/00337	WR	Toll Bar (Lancaster) Ltd	Toll Bar Garage, Scotforth Road, Lancaster Application to remove condition 8 (hours of use of car wash and tyre inflator) and condition 15 (under canopy lighting) on application no 03/1467/CU	Start Date 5/10/06 Interested Parties Informed 6/10/06 Questionnaire Posted 19/10/06 Awaiting Decision
06/01055	WR	Mr R Heise	49 The Row, Silverdale Erection of a shed on land opposite	Start Date 07/11/06 Interested Parties Informed 09/11/06 Questionnaire Sent 10/11/06 No Statement Sent
06/00094	WR	Lord H Reay	Field No 2000, West Hall Lane, Whittington Erection of a detached keepers cottage	Start Date 6/11/06 Interested Parties Informed 09/11/06 Questionnaire Sent 16/11/06 Statement Sent 15/12/06
06/00148	PI	Northern Affordable Homes Ltd	Land Rear Of 98 - 104, Windermere Road, Carnforth Erection of 10 houses	Start Date 14/12/06 Interested Parties Informed 15/12/06 Questionnaire Sent 8/01/07
06/00453	WR	Mr and Mrs Hall	22 Mayfield Drive, Morecambe Erection of extension over existing kitchen to the rear to form dressing room and en suite	Start Date 4/12/06 Interested Parties Informed 5/12/06 Questionnaire Sent 15/12/06

*Please note that the appeal at Hudsons Farm, Quernmore is now being dealt with by way of Written Representations. Therefore, new start date and interested parties have been re-notified.

PLANNING & HIGHWAYS REGULATORY COMMITTEE**EVALUATION OF IMPACT OF HIGH HEDGES
LEGISLATION****22nd January 2007****Report of Head of Planning Services****PURPOSE OF REPORT**

Upon the introduction of applications and fees for High Hedge complaints Members asked for a further report evaluating the impact of the legislation and in particular the level of fees set by the Council on potential applicants.

This report is public

RECOMMENDATIONS

(1) That the report be noted and Members agree to maintain the current level of fee for the service in recognition of the fact that it is amongst one the lowest charges in the country and represents a subsidised service at present.

1.0 Introduction

1.1 Part 8 of the Anti-social Behaviour Act 2003 introduced a mechanism whereby the owner or occupier of a domestic property may complain to the district council about high (more than 2 metres) evergreen hedges adversely affecting the reasonable enjoyment of their property. The provisions came into effect on the 1st June 2005. Full Council considered the appropriate fee level at its meeting on the 12th May 2005, and set an initial fee of £250 for dealing with a complaint. However, it delegated the function to this Committee, and requested the Committee to review the fee, with a view to introducing a sliding scale of fees to help people of limited means who might wish to have a complaint dealt with by the Council and would be unable to afford the full fee. At its meeting on the 19th September 2005, this Committee resolved to maintain the fee at £250, but introduced a reduced fee of £50 for persons in receipt of Housing Benefit and Council Tax Benefit.

1.2 There was to have been a further review in January 2006. However, as very few applications had been received, an early report at that stage would have given little information. There is now more data to assess to help the Committee reach a conclusion.

2. Volume Of Complaints Received In Writing:

- 2.1 No. Informal (**not** on official forms) complaints received - 10
 - No. Part 1 complaint forms received – 5
 - No. Part 2 complaint forms received with £250 fees – 2
 - No. Decision Notices served – 1
 - No. Complaints in progress following submission of Part 2 form and £250 fees – 1
- 2.2 Only 20% of the initial informal, written complaints received have proceeded to a full and detailed assessment being undertaken including submission of fees.
- 2.3 To date only one hedge owner has been served with a Decision Notice, and one complaint remains 'in progress'.

3.0 Reasons For Non-Progress Of Complaints:

- 3.1 50% of the complaints were deemed invalid because they failed to meet the criteria of the legislation. A further 50% of complainants were unwilling to pay fee of £250.00.
- 3.2 A number of complainants were pensioners who expressed difficulty meeting the requested fees and cited this along with the 'disruption' of making the complaint as reasons for not pursuing the matter with the Council.

4.0 Fee Setting:

- 4.1 Lancaster City Council has fees set at £250.00. This represents one of the lowest fees across the country. Many local authorities have set a fee around £500.00 and there are local authorities with fees set in the region of £650.00.
- 4.2 A number of fees have been assessed for local authorities in the region to enable Members to compare our charges.

Table 1: High Hedge Complaint Service – Fees Charged

Local Authority	Fee Charged (£)	Concessionary Rate	Other discounts
Lancaster City Council	250.00	50.00	-
Wyre Borough Council	450.00	-	-
South Ribble Borough Council	500.00	-	50% costs towards mediation services provided by PANDA, Preston
South Lakes District Council	350.00	-	-
Chorley Borough Council	500.00	-	-
Blackburn Council	450.00	-	-
Macclesfield	340.00	50% discount for those on means tested benefit.	-
York City Council	350.00	-	-

5.0 Proposal Details

In view of the response from potential complainants, Members may feel the need to consider a reduction in the fee. However, this would be difficult to justify because the fee is set so low in comparison with other local authorities and does not currently cover the costs of providing the service.

6.0 Details of Consultation

6.1 None

7.0 Options and Options Analysis (including risk assessment)

7.1 **Option A : Make no changes.** Whilst there is a risk that the current fee structure may deter some applicants from asking the Council to investigate their complaints, the structure does make provision for people of limited means, and is one of the lowest in the country.

7.2 **Option B : Do not alter the basic fee,** but widen the scope of the concessionary fee beyond persons on housing benefit and council tax benefit. This would directly address the evidence, which suggests that genuine complainants have been deterred by the current fee level. It is not anticipated that this would radically increase the number of applications.

However, in order to avoid unnecessary bureaucracy, officers would recommend that any concessionary fee scheme should be as simple as possible, with just one concessionary fee, rather than a sliding scale. A more complex scheme would be time consuming and costly to administer and confusing to the public.

The current concessionary fee was set in the light of advice from the Head of Revenue Services that most persons in receipt of income support or job seekers' allowance will be in receipt of housing benefit or council tax benefit, and that this was therefore the appropriate qualification for the concessionary fee, in order to assist persons of limited means. If Members were minded to extend the concessionary fee to all persons in receipt of the state pension, this would not restrict the assistance to those of limited means, as the state pension is not a means-tested benefit.

7.3 **Option C : To reduce the overall level of fee.** This would reduce even further the potential to recover some of the costs of service provision, and might remove the deterrent effect of the fee on malicious or other forms of non-genuine complaints.

7.4 **Option D : To increase the overall level of fee.** This would enable the Council to recover the full cost of providing this service, but might deter genuine complainants from pursuing a complaint.

8.0 Conclusion

8.1 The officer recommended option is Option A, as it is felt that the current fee structure adequately protects people of limited means, and the fee level is such that it does not deter genuine complaints from being pursued, whilst maintaining a deterrent against misuse of the process in neighbour disputes.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Whilst the imposition of fees may be considered to restrain individuals from protecting their rights to enjoy their properties, this has to be balanced against the need for Local Authorities to cover the costs of the service.

FINANCIAL IMPLICATIONS

The low level of usage means that currently even lower levels of fee are not being received. However this must be balanced against the fact that less time is being spent by officers on High Hedge matters enabling more general Tree Protection work to be undertaken than anticipated.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has considered the report and has nothing further to add.

LEGAL IMPLICATIONS

The legislation gives local authorities discretion to set their own fees.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and her comments have been incorporated in the report.

BACKGROUND PAPERS

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Ref: ASD/DH

**PLANNING & HIGHWAYS REGULATORY
COMMITTEE**

**Assessment of Two Ornamental Cherry Trees
Established on Land at Kingsway Former Bus Depot**

22nd January 2007

Report of Head of Planning Services

PURPOSE OF REPORT

To provide details of the location, condition and amenity assessment of the trees established on land at the former Kingsway bus depot, in order that an informed decision can be made as to whether serving a Tree Preservation Order is an appropriate course of action.

This report is public

RECOMMENDATIONS

- (1) **That the report be noted and that Members confirm the decision of the Head of Planning not to serve a Tree Preservation Order on the two ornamental cherry trees.**
- (2) **That it be confirmed that the preferred option is to pursue a landscape scheme within or adjacent to the proposed development site that will ensure an increase in overall sustainable tree cover within the city development and create a significant landscape feature at the entrance to the city that will be present for many decades or several centuries to come.**

1.0 Introduction

- 1.1 The Kingsway former bus depot is located to the north of Lancaster city centre, and was built in the late 1930's. The site is sandwiched between two busy, public highways that form part of the city's one-way system with vehicles entering the city centre on the A6 Caton Road to the east and exiting the city on the A6 Kingsway immediately to the west. The Kingsway site has undergone recent changes with the erection of several retail units with further development of the site proposed.
- 1.2 Generally, the city centre has a low volume of tree cover due in part to the density of buildings and the lack of opportunity for new tree plantings within the built environment.

1.3 The volume and quality of tree cover is becoming increasingly important, not only to improve local amenity, but also nationally and indeed worldwide, in the mitigation of climate change.

2.0 Purpose of serving a Tree Preservation Order

2.1 Under section, 198 (201) and 203 of the Town & Country Planning Act Lancaster City Council has the powers to serve a Tree Preservation Order. In accordance with the Council's Constitution, the making of a Tree Preservation Order is delegated to the Head of Planning. This report has been submitted to the Committee because of the strong views of a Ward Member who has requested that a TPO be made.

2.2 The principal effect is to prohibit the '*cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of trees*' without the consent of the local planning authority.

2.3 Trees that are in a condition described as '*dead, dying or dangerous*' are exempt and will not be served with a Tree Preservation Order under the Act.

3.0 Tree Assessment

3.1 A detailed assessment of both trees has been undertaken including:

- a Visual Tree Assessment (VTA); an inspection and assessment of tree condition undertaken from ground level;
- b) a Tree Evaluation Method for Tree Preservation Orders (TEMPO), this is an objective and systematic method for the assessment of trees with regard to serving a Tree Preservation Order. The assessment is designed, as a guide only to decision-making, and in itself is not a decision-making tool.
- c) For the purpose of the assessment, the trees in question were identified as **T1** and **T2**.

3.2 Following assessment both trees were identified to be an age class described as mature/over-mature. The life potential of these species is 50-70 years. Although the exact date of planting is not known, it may have coincided with the completion of the former bus depot and public swimming baths *circa* 1940. This would suggest that the trees in question are around 60 years of age.

3.3 **T1** was found to be in a condition identified as 'Poor' – described as '*a tree in obvious decline. Health is significantly impaired, and is likely to deteriorate. Life expectancy is curtailed and retention is difficult.*'

3.3 **T2** was found to be in a better condition, identified as 'Fair' – described as '*Health is satisfactory, though intervention is likely to be required. The condition is likely to decline. However, it can be retained for the time being without disproportionate expenditure.*'

3.4 The trees in question attained a score of 12+ following the TEMPO assessment. This level of score suggests that serving a Tree Preservation

Order could be a defensible course of action. This is guidance to decision-making only, and not a recommendation.

4.0 Proposal Details

- 4.1 It is essential that opportunities for making improvements in sustainable tree cover are identified and utilised where appropriate.
- 4.2 If members were to recommend to serve a Tree Preservation Order, this would prohibit the '*cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of the two trees*' without the prior written consent of the local planning authority. However, the protection provided by a Tree Preservation Order is limited, and any future granting of planning consent on the site would override this protection, and the trees could then be removed lawfully, although replacement plantings would have to be made on a 'like for like' basis unless otherwise agreed.
- 4.3 Given the age of the trees, decline in condition and their severely limited sustainable value, the officer recommendation is not to serve a Tree Preservation Order, and the Committee is asked to reinforce that view. In that event, the landowners could remove the trees in question without consent and without legal obligation to replace them.
- 4.4 An important element in considering this case is the opportunity for developing a sustainable tree-planting scheme within either the proposed Kingsway development or on land adjacent to the site. A new scheme will make provision for the long-term, sustainable future of trees close to the city centre. It may also include negotiating the development of a monumental tree as a landscape feature that will become synonymous with Lancaster and mark the entrance to the city centre, ensuring tree cover on the site or close by for many decades and centuries to come. It is recommended to follow this course of action in this particular instance.

5.0 Details of Consultation

- 5.1 None, but as indicated above, the report is submitted to the Committee in the light of a request from a Ward Member that TPOs be made.

6.0 Options and Options Analysis (including risk assessment)

- 6.1 **Option A: Do not serve a Tree Preservation Order.** In light of the age of the trees, declining condition and severely limited life potential, it is preferable to focus on agreeing a new tree-planting scheme that will provide a sustainable tree cover long into the future.
- 6.2 **Option B: Serve a Tree Preservation Order to secure replacement tree planting; in the event that planning consent is granted to develop the site in the future, the trees may be required to be removed to accommodate the proposals.** Under section 206 of the *Town & Country Planning Act* a replacement tree planting must be made and agreed in writing by the local planning if a protected tree is removed. Interested parties would have the legal option to formally object to Lancaster City Council serving a Tree Preservation Order, and the case may go to an Appeal.

6.3 Option C: Serve a Tree Preservation Order with the intention of the long-term retention of the trees that are subject to the order. This would have to be considered as an element of any future planning application to develop the site.

7.0 Conclusion

7.1 It is concluded that Option A is the best choice. It will provide a long-term sustainable option for developing tree cover at the entrance to the city centre. Consideration should also be given to the development of a significant, monumental tree-planting feature within the constraints of any future development of the site or close by. This would have the potential to provide an important landmark feature for the city for many decades possibly centuries to come.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Opting not to serve a Tree Preservation Order on the two cherry trees and working towards the development of a new tree planting scheme within the constraints of any future site development, or close by, will significantly contribute to the long-term sustainability of tree cover close to the city centre. The two trees in question have a severely limited life potential, related directly to their species natural life span, and their current condition. The future life potential of the two cherry trees may be as little as 10-15 years.

FINANCIAL IMPLICATIONS

There are costs in terms of officer and administrative time in serving a Tree Preservation Order that has limited benefits and which may be deemed as an unnecessary and inappropriate action. Additional costs are incurred in officers' time, legal services, administration and Members' time, if a Tree Preservation Order should go to Appeal. This, however, must be balanced with the need to protect the wider environment, maintain public amenity and work towards developing a greater level of sustainable development.

SECTION 151 OFFICER'S COMMENTS

None

LEGAL IMPLICATIONS

See Financial Implications section above.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and her comments incorporated in the report.

BACKGROUND PAPERS

TPO File

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