



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 19TH MARCH 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 19th February 2007 (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 07/00135/FUL | New Unit, Middleton Business Park,
Middleton Road, Middleton | Overton
Ward | (Pages 1 - 6) |
| | | Erection of a biomass renewable
energy plant for Maiden Enterprise
Ltd | | |
| 6 | A6 07/00056/FUL | Blackthorne Cottage, Borwick Road,
Over Kellet | Kellet Ward | (Pages 7 - 10) |
| | | Variation of occupancy condition
number 3 of planning consent
02/01203/REM for Mr J McCarthy | | |

7	A7 07/00064/CU	70 Sandylands Promenade, Heysham, Morecambe	Heysham North Ward	(Pages 11 - 12)
		Change of use from single dwelling to four self contained flats for AP Scaife Developments		
8	A8 06/01495/FUL	Fleet House, New Road, Lancaster	Duke's Ward	(Pages 13 - 16)
		Amendment to previously approved application 05/00560/FUL (now to erect 9 flats and 2 houses) for YMCA Lancaster		
9	A9 07/00108/LB	Fleet House, New Road, Lancaster	Duke's Ward	(Pages 17 - 18)
		Listed Building application for the demolition of garages in connection with the erection of 9 flats and 2 houses for YMCA		
10	A10 06/01583/FUL	Pumping Station, Oxcliffe Road, Morecambe	Westgate Ward	(Pages 19 - 22)
		Erection of a 20m streetworks monopole, 3 antennae and 2 equipment cabinets for T Mobile		
11	A11 07/00124/FUL	Land Adjacent Stone Jetty, Marine Road Central, Morecambe	Poulton Ward	(Pages 23 - 26)
		Construction of new hovercraft housing building for Royal National Lifeboat Institution		
12	A12 06/01350/CU	23 Market Street, Lancaster	Duke's Ward	(Pages 27 - 28)
		Siting of table and chairs on public highway for Nero Holdings		
13	A13 07/00055/CU	Suite 5, 1 Mannin Way, Lancaster	Lower Lune Valley Ward	(Pages 29 - 32)
		Change of use of B1 office to mixed use of B1 (Business) and D1 (Non- residential institutions) - provision of dental health and therapy services and the manufacture of dental appliances for Grange Dental Practice		

14	A14 07/00174/FUL	Land Between Carlow Wood and Woodman Lane, Burrow with Burrow	Upper Lune Valley Ward	(Pages 33 - 40)
		Retrospective application for the erection of two poultry breeder houses and egg store and ancillary hardstanding and landscaping for Mayfield Chicks Ltd		
15	A15 07/00009/LB	Flat 2, 11 Cable Street, Lancaster	Bulk Ward	(Pages 41 - 42)
		Alteration of internal walls for Ms R Robinson		
16	WITHDRAWN (Pages 43 - 44)			
17	A17 05/01114/OUT	Land for Proposed Bailrigg Business Park, Bailrigg Lane, Lancaster	Ellel Ward	(Pages 45 - 64)
		Outline application for erection of science park and restaurant/cafe with car parking, servicing, roads, footpaths and cycleways, public transport facilities, landscaping and public open space for North West Regional Development Agency		
18	A18 07/00005/REM	Kingsway Retail Park, Caton Road, Lancaster	Bulk Ward	(Pages 65 - 70)
		Reserved Matters application for 8 storey residential development (100 units) with associated car parking and landscaping for Worksharp (Lancaster) Ltd		
19	A19 07/00006/LB	Kingsway Retail Park, Caton Road, Lancaster	Bulk Ward	(Pages 71 - 74)
		Listed Building application for external alterations to retained facade and other alterations in connection with application for the erection of 100 residential units and associated works for Worksharp (Lancaster) Ltd		

20	A20 07/00202/REM	Halton Mill, Mill Lane, Halton	Halton-with-Aughton Ward	(Pages 75 - 84)
		Resubmission of 06/01197/REM for 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		
21	A21 07/00037/REM	Halton Mill, Mill Lane, Halton	Halton-with-Aughton Ward	(Pages 85 - 94)
		Resubmission of application number 06/01196/REM for Reserved Matters for the erection of an apartment block comprising of 31 two and 2 one bedroom units (33 total) with associated parking and servicing for Time and Tide Properties Ltd		
22	A22 07/00044/FUL	Galgate Cricket Club Pavilion, Main Road, Galgate	Ellel Ward	(Pages 95 - 100)
		Erection of new village hall for Ellel Parish Council		
23	A23 07/00097/LB	Town Hall, Marine Road East, Morecambe	Poulton Ward	(Pages 101 - 102)
		Listed building application to demolish partition walls to create Customer Service Centre for Lancaster City Council		

Category D Applications

Proposals for development by a District Council

24	A24 07/00078/DPA	Pavement at Hilmore Way, Morecambe	Harbour Ward	(Pages 103 - 104)
		Widening of footpath and construction of shared cycle and footway and construction of humped crossing with private vehicular access for Lancaster City Council		

Background Papers (pages 105 – 106)

List of Background Papers

25 **Delegated List** (Pages 107 - 112)

List of Delegated Planning Applications

26 **Planning Enforcement Schedule** (Pages 113 - 119)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors James Airey, Evelyn Archer, Evelyn Ashworth, Paul Gardner, Emily Heath, Tony Johnson, Judith Jones, Stuart Langhorn, Joyce Pritchard and Catriona Stamp

(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, 7th March 2007

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DECISION DATE 2 May 2007	APPLICATION NO. 07/00135/FUL A5	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED ERECTION OF A BIOMASS RENEWABLE ENERGY PLANT		SITE ADDRESS NEW UNIT MIDDLETON BUSINESS PARK MIDDLETON ROAD MIDDLETON MORECAMBE LANCASHIRE LA3 3PW
APPLICANT: Maiden Enterprise Ltd Peel Hall Business Park Peel Road Westby		AGENT: Wilkinson Cary Planning

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Middleton Parish Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Employment uses (Lancaster West Business Park).

STATUTORY CONSULTATIONS

County Council Highways - Observations awaited.

Environmental Health - Do not consider that the objection from Gilberts Foods (see below) is justified, provided that the plant burns only clean wood as specified by the applicants. A condition is recommended to require this. Detailed observations, following the submission of more detailed building plans, to follow.

OTHER OBSERVATIONS RECEIVED

An objection has been received from the Gilberts Foods, who occupy premises nearby - they are concerned that the proposed use could be incompatible with theirs and that food safety issues would force them out of business.

Any other representations received will be reported orally at Committee.

REPORT

Introduction

This site is within an area allocated for employment related uses, immediately to the north of the village of Middleton. It is at present largely vacant scrubland, apart from a few industrial buildings inherited from the ICI depot which used to occupy the area. The one immediately adjoining the site is used as a timber warehouse.

The access road into the site, which is in good condition, has also been inherited from the ICI depot. To the south there is a belt of mature trees which screens the area from long distance views.

The Proposal

The applicant's proposal involves an industrial building of conventional appearance, with a floorspace of 1518 sq metres. It would be finished externally in profiled steel cladding. It would contain a renewable energy gasification plant which would be fuelled by fresh timber, primarily coppiced willow. It is envisaged that local farms would be able to contribute to the supply this by growing short rotation willow crops but in the short term, most of the fuel required would be brought in from Cumbria.

Wood would be supplied to the site six times a day by road, using a 20 ton wagon. The developer is exploring the possibility of importing timber via the Port of Heysham. The level of noise involved is expected to be no different from that associated with existing uses on the site.

The process is described by the applicants in their supporting statement as follows: wood is fed into a processing unit by conveyor belt, and is then broken down thermally and a clean composite gas extracted. The gas then fuels an engine which drives a generator creating electricity which is fed into the National Grid. The residual ash is stored and can be used by farmers as a fertiliser. The cycle is carbon neutral, in that the growing wood has consumed from the atmosphere equal, or more carbon dioxide in growing than it releases during the energy generation process. The plant is based on a combined heat and power process which is totally self sufficient. There is a small "flare" when production is first started but the impact of the process on the surrounding area is expected to be low.

The plant would have a generation capacity of 5MW. The applicants state that it would be sufficient to provide electricity for around 4,000 homes. This has however to be seen in context. The generating capacity of Heysham 1 nuclear power station is given as 1150MW, and that of Heysham 2 as 1250MW.

The applicants estimate that 16 full time jobs would be created, directly and indirectly, as a result of the development, but these include maintenance contractors and the "back up" staff at the company's Blackpool office. Normally only two members of staff would be needed on the site at any one time to operate the plant.

The plans as submitted did not include full details of the layout of either the building or the site. These have now been provided. The bulk of the building would be occupied by the plant but there would be an office, meeting room/kitchen and toilet accommodation at the northern end adjoining the entrance. The flue on the roof would be a stainless steel one, 3 metres high, and 25cm in diameter. Outside the southern gable wall there would be some external plant including a cooling tower; the applicants are willing to screen it with a close boarded fence.

Three off street spaces would be provided, one of which would be laid out to make it suitable for use by disabled drivers. A location has also been identified for a "Sheffield" pattern cycle stand.

Planning Policies

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

- EC5, which identifies the site of the former ICI Nitrates Plant, with an area of 15.2ha, as one suitable for business uses.
- EC6, which states that new employment related uses will be permitted provided that they make satisfactory arrangements for access, servicing, cycle and car parking; are easily accessible by pedestrians, cyclists and those using public transport; is appropriate in design to its surroundings; uses high quality materials in its construction; screens servicing and open storage from public view; makes satisfactory arrangements for drainage; do not have a significant adverse effect on nearby residents; and upgrade environmental conditions where these are unsatisfactory.

The proposal has also to be considered in relation to national guidance as set out in PPS22 (Planning Policy Statement: Renewable Energy), which was published in August 2004. This draws attention to the government's target of cutting carbon dioxide emissions by some 60% by 2050, with real progress by 2020. In the short term it seeks to generate 10% of the UK's electricity from renewable sources by 2010. Paragraph 24 refers specifically to biomass projects and energy crops:

"For biomass projects, the need to transport crops to the energy production plant does have the potential to lead to increases in traffic. Local planning authorities should make sure that the effects of such increases are minimised by ensuring that generation plants are located in as close a proximity as possible to the sources of fuel that have been identified. But in determining applications, planning authorities should recognise that there are other considerations (such as connections to the Grid and the potential to use heat generated by the project) which may influence the most suitable locations for such projects."

Considerations

The site is appropriate for this kind of use and the building proposed is little different from any other industrial unit.

The amount of traffic to and from the site is an important consideration. As with the nearby waste transfer station, it is unfortunate that the construction of the Heysham Link road has severed the route of the railway line which used to serve the immediate area. However, the six HGVs expected to visit the site each day can be regarded as acceptable for this location, taking into account the other traffic to industrial premises nearby.

In compensation, the site is exceptionally well located in relation to the National Grid, because of the network of lines associated with the existing Heysham power stations. Although most of the fuel for it would in the short term have to be brought in from outside the area, there appears to be considerable unexploited potential for growing coppiced willow locally, which could be of significant benefit to the rural economy.

The objection from Gilberts Foods will be noted. They are apparently concerned that "biomass" could involve animal waste products. There is no intention by the applicants to use these; indeed they point out that the gasification technology they intend to use is in some cases used on farms, providing energy and heat for livestock. They have provided a supporting statement which specifies that only clean timber - that is with no paint, dye or metal attached - is to be used.

The impact of the development is likely to be small, given the nature of the site and its surroundings. There is no residential property in the immediate vicinity and noise nuisance problems are unlikely to arise. However some additional planting within the application site is desirable as with any new industrial unit of this scale.

Details of the layout of the land within the application site are somewhat sparse and in particular no details have been provided of the construction of the carriageway linking the service yard to the road serving the industrial estate. This matter can however be addressed with a suitably worded condition.

Conclusions

The site is in most respects a logical one for this form of development. It has the added advantage that it would make a small, but useful contribution to the amount of electricity produced from renewable sources. It also has the potential to provide a new crop for farms in the immediate area.

It is recommended that the application should be supported.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATIONS

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

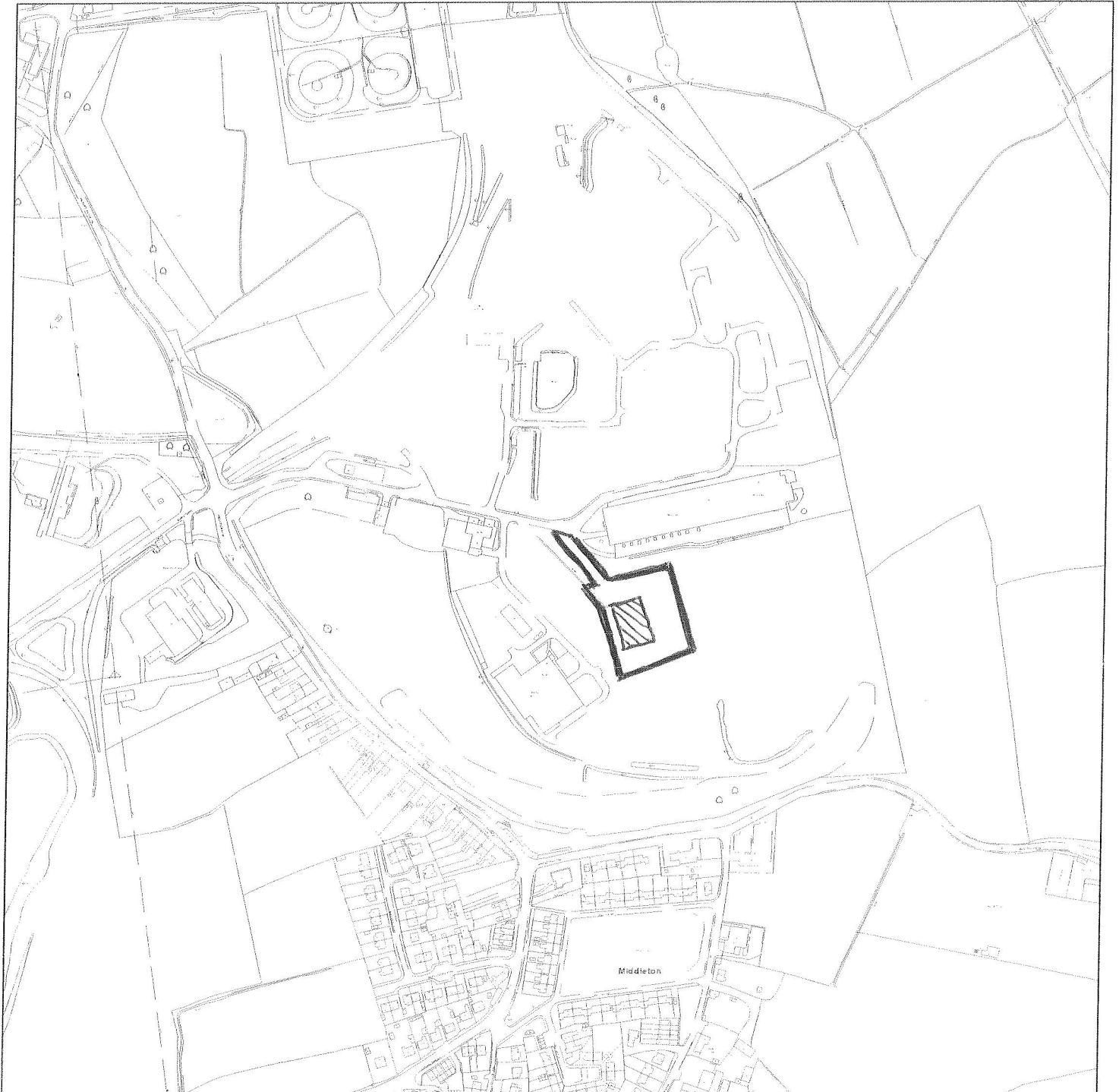
1. Standard three year condition.
2. Amended plans 22 February 2007.
3. Development to be carried out in accordance with the approved plans.
4. Materials to be agreed.
5. Details of design, construction and servicing of the access drive into the site, including a footway at the side, to be agreed before development is commenced.
6. Cycle parking to be provided.
7. Screen fence to be provided along southern site boundary.
8. Landscaping to be agreed and implemented.
9. Only clean timber, as specified in the application, to be burnt.
10. Contaminated land study to be prepared before development is commenced.
11. As required by consultees (if appropriate).

07/00135

Middleton Business Park, Middleton



GIS by ESRI (UK)



Scale : 1:5000

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Organisation	Lancaster City Council
Department	Planning
Comments	
Date	21 February 2007
SLA Number	078379 2003

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DECISION DATE 13 March 2007	APPLICATION NO. 07/00056/FUL A6	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED VARIATION OF OCCUPANCY CONDITION NUMBER 3 OF PLANNING CONSENT 02/01203/REM		SITE ADDRESS BLACKTHORNE COTTAGE BORWICK ROAD OVER KELLET CARNFORTH LANCASHIRE LA6 1AD
APPLICANT: Mr J McCarthy Castle View Caravan Park Capernwray Carnforth LA6 1AW		AGENT: Acorus Rural Property Services

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

Over Kellet Parish Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

County Council Highways - Observations awaited.

County Council Property Services - Support the application, provided that occupation of the dwelling is restricted to people engaged in the management of the stables. A copy of the letter setting out their reasons for this appears at the end of this report.

OTHER OBSERVATIONS RECEIVED

None, at the time this report was drafted.

REPORT

At its February meeting Committee considered an application for the conversion and extension of the former farm buildings at Blackthorne Cottage to provide riding stables. The report on this (06/01419) pointed out that the house associated with the farm was being occupied in contravention of the agricultural occupancy condition attached when it was approved, and that preliminary steps were being taken with a view to instigating enforcement action. The present application has been submitted as a response.

The house concerned is a substantial two storey one on the eastern site boundary. It is of traditional design, with stone walls and a slate roof. It is close to the former farm buildings, which are now used as stables. Most are of modern construction although there is a one relatively small stone barn.

The applicant's intention is that the stables are to be supervised by his employee Mrs Tippett, who is one of the current tenants of the farmhouse. According to the information supplied by him she manages the land adjoining the property, provides hay and carries out maintenance of the site drains and fencing. She is also responsible for a small flock of hens. Her husband is self employed as a taxi driver.

Policy H8 of the Lancaster District Local Plan states that new dwellings in the countryside outside identified settlements must be: essential to the needs of agriculture, forestry or other uses appropriate to a rural area; sited to minimise their impact; consistent with meeting the essential employment needs; appropriate in design, materials and landscaping; and make adequate provision for the disposal of sewage and waste water. The existing house was approved in line with this policy, but only after several applications as the previous owner of the site had some difficulty in establishing a viable agricultural enterprise on a relatively small holding.

Policy H9, which follows this, indicates that: "Proposals for the removal of agricultural or other key worker occupancy conditions from dwellings in the countryside will not be permitted. Exceptions will only be considered where it can be shown that the dwelling is not required to meet the existing and future needs of any agricultural or forestry enterprise in the locality for key worker housing".

Central government advice on criteria for the approval of agricultural and forestry dwellings in rural areas is set out in Annex A of PPS7 (Planning Policy Statement: Sustainable Development in Rural Areas). This states that where a new agricultural enterprise is established only temporary accommodation should be permitted in the first instance, to allow the business time to demonstrate that it is financially viable. It further notes that: "There may also be instances where special justification exists for other rural based dwellings. In these cases the enterprise itself... must be acceptable in planning terms and permitted in that rural location."

In this case what is proposed is not the complete removal of the agricultural occupancy condition, but a variation of it to tie occupation of the dwelling to something which while not agriculture or forestry, is still appropriate to a rural area. This is not without precedent locally. The house at Capernwray Diving Centre was approved on the basis that there were strong safety arguments for having somebody living on the site to prevent unauthorised access at times when the site was closed.

The range of activities carried out by Mrs Tippett is too limited for her to qualify as a farm worker for the purposes of the existing planning condition as it would not by itself provide a sufficient living to meet the financial test set out in PPS7. It is logical to vary the condition to allow the property to be occupied by a person engaged in the management of the stables, and their immediate family.

It is however recommended that the consent should be granted for a three year period in the first instance, to allow the equestrian business to be established to the point where it can be shown that it is financially viable. This is consistent with the advice on new rural enterprises contained in Annex A of PPS7.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATIONS

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

1. Three year limited period consent - to expire 31 March 2010.
2. Dwelling to be occupied only by a person or persons involved in the management of the adjoining stables and their immediate family.

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DECISION DATE 20 March 2007	APPLICATION NO. 07/00064/CU A7	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED CHANGE OF USE FROM SINGLE DWELLING TO FOUR SELF CONTAINED FLATS		SITE ADDRESS 70 SANDYLANDS PROMENADE HEYSHAM MORECAMBE LANCASHIRE LA3 1DW
APPLICANT: AP Scaife Developments Skirbeck Farm The Ridings Long Preston Skipton BD23 4QN		AGENT: D.H.Design North West Limited

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Morecambe Neighbourhood Council - No observations received.

LAND USE ALLOCATION/DEPARTURE

Within the urban area defined in the Lancaster District Local Plan. The site is also within the area covered by the West End Masterplan.

STATUTORY CONSULTATIONS

County Council Highways - No objections from a highway point of view, but they point out that the flats will be entirely dependant on on-street parking for the residents.

Strategic Housing - Support in principle the proposed conversion to four units.

OTHER OBSERVATIONS RECEIVED

None, at the time this report was drafted.

REPORT

This application was originally identified as one which could be determined by the Head of Planning Services under delegated powers. It has been referred to Committee at the request of Councillor Clift, because of concern about the compatibility of the proposal with the policies associated with the regeneration of the West End.

The property is a very large mid-terraced one with four full storeys plus an attic and a basement. Planning permission was granted in June 2005 for its conversion into three maisonettes (application 05/00640) but this has not been implemented. A feature of the layout was the extremely large size of some of the rooms: by way of example, the maisonette bedroom at first floor level would have had an area of approximately 21 sq metres. The Local Plan minimum standard for a double bedroom is 10.2 sq metres, less than half this.

The current proposal involves dividing the property as follows:

Unit 1 - two double bedrooms, one single bedroom and a bathroom in the basement; living room, entrance hall and kitchen/diner on the ground floor.

Unit 2 - combined living room/kitchen, a double bedroom, a single bedroom and a bathroom on the first floor.

Unit 3 - combined living room/kitchen, a double bedroom, a single bedroom and a bathroom on the second floor.

Unit 4 - living room, kitchen, bathroom and single bedroom on the third floor; double bedroom in the attic.

The most important difference between this proposal and its predecessor is that the first and second floors are used to create a pair of two bedroom flats rather than a maisonette with two very large bedrooms. In one respect it is a significant improvement: the design includes a designated bin storage area, accessible to all the accommodation, at the rear and there is a small communal laundry room for the use of all the residents at the back of the ground floor.

The proposal has to be considered in relation to Policy H21 and appendix 2 of the Lancaster District Local Plan, which set out standards for flat conversions; SPG 16, which deals with the release of land for residential development; and the strategy for the regeneration of the area set out in the West End Masterplan.

The proposal does not conflict with the Local Plan policies. All the room sizes are adequate, and all the units of accommodation would have the benefit of an open outlook over Morecambe Bay. SPG16 allows flat conversions where they do not conflict with local regeneration initiatives.

The West End Masterplan includes the site within area 15, which is identified as an area for high level intervention - but this is partly because it includes the site of the former Heysham bus depot, which has consent for new housing. The Masterplan's strategy for the West End is to introduce family housing rather than small flats. However it is difficult to see no. 70 functioning as a single family dwelling, because of its size. Like most of the properties fronting Sandylands Promenade, it was designed for use as a small hotel or guest house.

In the circumstances it is considered that the mix of flats and maisonettes envisaged in the current scheme represents a good way of bringing the property back into beneficial use.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATIONS

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

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.

DECISION DATE 11 April 2007	APPLICATION NO. 06/01495/FUL A8	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED AMENDMENT TO PREVIOUSLY APPROVED APPLICATION 05/00560/FUL (NOW TO ERECT 9 FLATS AND 2 HOUSES)		SITE ADDRESS FLEET HOUSE NEW ROAD LANCASTER LANCASHIRE LA1 1EZ
APPLICANT: YMCA Lancaster New Road Lancaster		AGENT: Fisher Wrathall

REASON FOR DELAY

None.

PARISH NOTIFICATION

None.

LAND USE ALLOCATION/DEPARTURE

The site lies partly within the City Conservation Area, and partly within the Castle Conservation Area. The adjacent building is a Grade II listed structure. The properties to the east on New Street are designated as Key Townscape Features.

STATUTORY CONSULTATIONS

English Heritage - No comment to make - the application should be determined in accordance with national and local planning policies.

County Archaeologist - It is likely that previous disturbance at the site will have limited any archaeological finds. However a programme of archaeological work should be agreed via a planning condition.

County Highways - No objections - the removal of the substandard vehicular access onto Bridge Lane is welcomed. They are keen to ensure that the garden area for Unit 3 is not used for the parking of vehicles. A cycle storage condition is also required.

United Utilities - Awaited

Victorian Society - Awaited

Society for the Protection of Ancient Buildings - Awaited

Ancient Monuments Society - Awaited

Environmental Health – No objections.

Strategic Housing - Awaited

OTHER OBSERVATIONS RECEIVED

A resident of Westbourne Road has objected on the grounds that the internal layout has poor natural light, the massing of the roof and rooflights are inappropriate in design and appearance, and the development represents a "bland and pastiche" approach.

The objector also complains about the applicant's failure to use "qualified and registered architects". However this is not a matter that can affect the outcome of the planning application.

REPORT

The Site and its Surroundings

The site that is the subject of this application is located within the centre of Lancaster, adjacent to the main arterial route through the city. Fleet Square is situated at the junction of New Road, Bridge Lane and Damside Street.

The buildings in question comprise of a pair of two-storey, gabled stone structures adjoining the former Pye's Building, which is an imposing five-storey listed structure. To the east of the site lie Bridge Lane and the rear garden of 80 Church Street, which is in commercial use. Commercial uses occupy positions to the south, whilst the majority of the smaller properties to the west on New Road are now in residential use. The nearest properties to the site, numbers 9 and 10 New Road, are within the applicant's ownership.

The Pye's Building is physically connected to the existing structures within the application site, and an internal alleyway forms a barrier between the buildings.

The Site History

Planning permission was granted in June 2005 for the demolition of the current structures and the erection of a three-storey residential development comprising two houses and seven flats (Reference: 05/00560/FUL). The application was deemed to be in accordance with the Local Planning Authority's housing restraint policies by virtue of the fact that it would regenerate a dilapidated site adjacent to a listed building, within a sustainable, urban location.

The design approach adopted at the time was considered appropriate to the locality.

The applicant has since stated that the approved scheme is not financially viable and to achieve this the number of units needs to rise from nine to eleven, comprising of two houses and nine flats.

Comparison with the 2005 Approved Scheme

The general appearance and building form remains similar to that previously approved. The scheme is, in effect, an inverted 'T' shape with a 7.5m wide gable fronting Fleet Square and the bulk of the building recessed to the rear of the site.

The most significant change is the height of the structure, which has been increased to accommodate the two additional units. The rear ridge increases from 10.2m to 12.2m, which is effectively four storeys. This roof also steps down in height towards Bridge Lane, whereas the previous proposal did not. Given

the juxtaposition of this building and its relationship with the taller Pye's Building, this amendment is considered acceptable. Velux windows and ridge rooflights are now proposed - these are only acceptable on condition that they are provided with a low-profile flashing detail, to make them less visually conspicuous.

The rear building is also deeper than shown on the previous consent; it has a depth measuring 8.8m rather than the approved 7.5m. This does not materially affect the character of the development.

The two houses are at the front of the site and will provide a one-bedroomed dwelling and a two-bedroomed dwelling over two floors. The remaining flats are all single-bedroom units.

The scheme now submitted adheres to the pre-application discussions with the Local Planning Authority.

The previous proposal indicated that the two open spaces on either side of the gable structure will provide courtyards. The smaller courtyard will now be a private garden area for Unit 3, which is a more appropriate approach given the potential security difficulties at this end of the site. The larger courtyard was to be enclosed by a stone wall and iron railings. The current layout plans indicate that this will be retained although the elevational plans do not.

The applicant has confirmed that the boundary treatment will remain as previously approved and it is considered prudent to attach a condition requiring precise boundary details to be agreed.

Refuse storage will be provided within the courtyards as shown on the plans.

Proposed Materials

The external elevations will be finished in natural stone, with stone quoins and natural slate to the roof. The south-west elevation, the rear wall of the development, not seen from Fleet Square but partially visible from Bridge Lane, will be finished in a render to be agreed with the Local Planning Authority. Render will also be used on the relatively small visible section of the north-west elevation. The windows will be softwood sash and the rainwater goods will be cast iron.

The courtyard will be flagged in stone and landscaping will be agreed via a condition.

Vehicular Considerations

The County Highways Department has welcomed the proposal because it removes the current, recessed vehicular access off Bridge Lane. Planning conditions will be imposed ensuring that the development cannot be used for car parking.

The site has excellent public transport links adjacent to the Primary Bus Corridor and to the Bus Station. It will be necessary to provide an area for cycle parking within the courtyard, and this will be imposed as a planning condition should consent be forthcoming.

Landscaping

There are several mature trees on the Bridge Lane corner. However none of them are situated within this parcel of land. No tree felling is proposed. Permission would be required for any tree removal in this locality because of the Conservation Area designation.

Conclusion

The principle of development in this location was established in 2005. This slightly larger scheme forms an acceptable proposal that generally follows the pre-application advice provided by the Local Planning Authority.

It will provide residential accommodation in the heart of the city, close to public transport nodes. The design will complement the recent developments in this location and provide a sensitive and appropriate form of accommodation on a prominent part of the Conservation Area.

Members are advised that this is a proposal that 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 **PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard three year consent.
2. Development as per approved plans.
3. Samples of all materials, including the natural stone, quoins, courtyard walling stone and pointing, and natural slate to be agreed.
4. Sample of render finishes to be agreed.
5. Details of roof ridge, verges, abutments, eaves and rainwater goods to be agreed.
6. Details of the double-glazed sash windows and doors to be agreed.
7. Precise details and sizes of rooflights (with EDN Flashing) to be agreed.
8. Precise details of 'oeil-de-boeuf' feature to be agreed.
9. Colours of all woodwork finishes to be agreed.
10. Details of courtyard boundary wall and iron railings and gates to be agreed.
11. Standard landscaping condition.
12. Details of external, shared cycle storage facilities to be agreed.
13. Precise details of refuse storage to be agreed.
14. Closure of existing vehicular access and removal of permitted development rights for the parking of vehicles within the proposed garden area.
15. Restoration of footway following closure of vehicular access.
16. Contaminated land condition.
17. Demolition of the existing buildings shall not occur until a contract for undertaking the redevelopment works has been signed.
18. Hours of construction condition.
19. As required by consultees.

DECISION DATE 23 March 2007	APPLICATION NO. 07/00108/LB A9	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED LISTED BUILDING APPLICATION FOR THE DEMOLITION OF GARAGES IN CONNECTION WITH THE ERECTION OF 9 FLATS AND 2 HOUSES		SITE ADDRESS FLEET HOUSE NEW ROAD LANCASTER LANCASHIRE LA1 1EZ
APPLICANT: Y M C A New Road Lancaster		AGENT: Fisher Wrathall

REASON FOR DELAY

None.

PARISH NOTIFICATION

None.

LAND USE ALLOCATION/DEPARTURE

The site lies partly within the City Conservation Area, and partly within the Castle Conservation Area. The adjacent building is a Grade II listed structure. The properties to the east on New Street are designated as Key Townscape Features.

STATUTORY CONSULTATIONS

English Heritage - No comment to make - the application should be determined in accordance with national and local planning policies.

County Archaeologist - It is likely that previous disturbance at the site will have limited any archaeological finds. However a programme of archaeological work should be agreed via a planning condition.

Victorian Society - Awaited

Society for the Protection of Ancient Buildings - Awaited

Ancient Monuments Society - Awaited

OTHER OBSERVATIONS RECEIVED

None

REPORT

This application should be considered in association with application 06/01495/FUL, which appears elsewhere in this schedule.

The proposal is for Listed Building Consent for the development described in the report on application 06/01495/FUL and the comments set out therein also apply to this application.

For clarity the buildings being demolished are not listed but the building known as 'Pye's Building' is a Grade II listed building.

The principle of development in this location was established in 2005. This slightly larger scheme forms an acceptable proposal that generally follows the pre-application advice provided by the Local Planning Authority, and is an appropriate addition to the Conservation Area that respects the scale and design of the adjoining listed building.

Members are advised that this is a proposal that 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 **LISTED BUILDING CONSENT BE GRANTED** subject to the following conditions: -

1. Standard listed building consent.
2. Demolition of the existing buildings shall not occur until a contract for undertaking the redevelopment works has been signed.
3. Hours of construction including demolition condition.

DECISION DATE 27 March 2007	APPLICATION NO. 06/01583/FUL A10	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED ERECTION OF A 20M STREETWORKS MONOPOLE, 3 ANTENNAE AND 2 EQUIPMENT CABINETS		SITE ADDRESS PUMPING STATION OXCLIFFE ROAD MORECAMBE LANCASHIRE
APPLICANT: T Mobile Hatfield Business Park Hatfield Hartfordshire AL10 9BW		AGENT: Daly International

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

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

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

County Council Highways - Observations awaited.

Environmental Health - Observations awaited.

OTHER OBSERVATIONS RECEIVED

In total 22 letters and e-mails have been received from and on behalf of people living in the area, who object on the following grounds:

- Inappropriate feature in the landscape
- Enough mobile phone base stations in the area already
- Mast facilities should be shared between the different operators
- Loss of outlook
- Possible health risks; it is pointed out that there is a school in the area
- Alleged interference with TV and radio reception
- Loss of property value (this is not a planning consideration).

Some of the residents of Levens Drive complain that the proposal has not been advertised sufficiently widely. One of the letters complains that the number of applications for mobile phone installations in the area amounts to harassment.

REPORT

This application was originally identified as one for determination by the Head of Planning Services under delegated powers. It has been referred to Committee because of the large number of objections received from people living in the area, and because of its association with another installation on the same site which was controversial.

The site of the proposal is the pumping station adjoining the bridge carrying Oxcliffe Road over the Morecambe to Heysham railway line. The mast would be a tall stepped pole, resembling an oversized street lighting column, with the antennae mounted on the top. As is usual with this type of applications of this type, the applicants have provided a statement by their Design Engineer that the proposal meets internationally recognised safety standards.

Policy E23 of the Lancaster District Local Plan says that applications for telecommunications installations will be permitted where the applicant can demonstrate that it is sited and designed to minimise, as far as possible, its impact on residential amenity, Listed Buildings and Conservation Areas, Scheduled Ancient Monuments, Archaeological Areas, nature conservation interests and areas of high quality landscape; the possibility of erecting antenna on existing buildings and masts has been fully explored; the apparatus has been sited to minimise its impact; and account has been taken of the need to accommodate the growing needs for network development, including those of other operators.

As some of the objectors to the proposal point out, this is not the only mobile phone base station in the immediate area. The existing ones are as follows:

- A conventional mast type installation at Whittam House Farm
- A mast disguised as a silo at the back of Fanny House Farm
- Another mast disguised as a silo, within the pumping station compound.

At Fanny House Farm the "stealth" approach has worked well; without prior knowledge, it is very difficult to identify the silo as anything other than a bona fide agricultural building. When the first proposal for a base station within the pumping station was considered it seemed logical to point the applicants in the same direction, which is why the option of a further silo was adopted. The proposal was a controversial one, but it was approved by Committee in March 2005 (application 05/00121).

A number of the objections are based on health and safety concerns about mobile phone base stations. Central government advice on the subject, as set out in PPG8 (planning Policy Guidance: Communications) is quite clear: although there is an issue to be addressed, the planning system is not the right forum in which to consider it. Provided that the application is accompanied by a statement that it meets the recognised international safety guidelines, it has to be determined purely in terms of its impact on the landscape.

The applicants have provided a list of other sites which they have considered, but rejected as unsuitable or unavailable:

St Patrick's RC Church, St Johns Road - The spire does not lend itself to accommodating the antenna (the applicants are apparently unaware that the building is in any case redundant, and about to be demolished)

Sandylands Seafront - The open space is large enough to accommodate the proposed structure, but the size of the structure which would be needed and the number of residential properties nearby posed technical problems.

Existing Vodafone Mast at Oxcliffe Road - This would require replacing the existing mast with a much larger and more intrusive one.

Existing Orange Mast at Fanny House Farm, Oxcliffe Road - The tower is physically incapable of meeting their requirements.

Oxcliffe New Farm Gypsy Caravan Site, Oxcliffe Road - The site is relatively small and densely occupied with caravans.

The applicants have been asked to explain why the existing silo at the pumping station is unsuitable for sharing. They have replied that there is insufficient space inside the structure as it already accommodates six antennae.

The ideal arrangement in this case would be another "stealth" solution but a further silo would not be appropriate in this location. Nor would an artificial tree, of the kind used at Bolton-le-Sands: it would be too close to public views to be convincing in the landscape. It should however be possible to identify a location for a disguised mast of this type within the open area to the east of the railway line, away from houses. Since the last two operators to establish masts in the area have disguised them, it is considered that any future operators should be required to take the same approach and that the present application should be resisted.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATIONS

That **PERMISSION BE REFUSED** on the following grounds:

Contrary to policy E23 - site and mast chosen do not minimise impact on the area.

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DECISION DATE 27 March 2007	APPLICATION NO. 07/00124/FUL A11	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED CONSTRUCTION OF NEW HOVERCRAFT HOUSING BUILDING		SITE ADDRESS LAND ADJACENT STONE JETTY MARINE ROAD CENTRAL MORECAMBE LANCASHIRE LA4 4BY
APPLICANT: Royal National Lifeboat Institution West Quay Road Poole Dorset BH15 1HZ		AGENT: Thomas Associates

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Views awaited, any comments will be reported directly to Committee.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Site protected under European of International Conservation designation (Morecambe Bay cSAC/SPA/Ramsar site). Site of Special Scientific Interest (SSSI).

STATUTORY CONSULTATIONS

Natural England - Site is located within the Morecambe Bay cSAC/SPA/Ramsar site. Formal views over the actual proposal awaited, however, no objections raised in 2005 (English Nature) to the principle of the development. At the time, it was considered that as the proposed building is to be located on existing rock armour it would be unlikely that a planning application would be significant as regards to possible adverse effect upon the ecological integrity of the Morecambe Bay European site.

County Highways - No objections in principle to the development - Noted that the design statement indicated that 'parking would be allocated off site with the agreement of the traffic authorities'. This could not be reserved and designated 'off highway' crew parking would need to be agreed with other parties.

Environmental Health Officer - Views awaited.

Property Services - Views awaited.

Archaeology Unit - No comments to make.

Chief Engineer - Views awaited, any comments will be reported directly to Committee.

OTHER OBSERVATIONS RECEIVED

None to date; any comment will be reported directly to Committee.

REPORT

Site and its Surroundings

The application site is located at the junction of the promenade and The Stone Jetty alongside the extended slipway. The building and forecourt access are placed on made ground in front of the original promenade over the embankment of boulders that currently act as part of the sea defences.

The landward side of the site comprises the open promenade and beyond the open vacant site, formerly the Harbour Band Arena and the vacant Bubbles complex. The area neighbouring the site, excluding the Midland Hotel form part of a redevelopment zone with comprehensively redevelopment due to commence in 2008. The site is currently in the preliminary design phase with partners, Urban Splash, Flaqc (Architects) and Lancaster City Council.

The Proposal

The current application seeks to develop a building and open forecourt area to house the RNLI's hovercraft. The building and forecourt is located over an area of boulders, currently forming part of the sea defence works to the seaward side of the promenade, close to the Stone Jetty. The development comprises a tall single storey building and a new forecourt area alongside the original promenade.

The building is angled towards the promenade and has a footprint of a 'flat iron' with the point of the building facing towards the Bubbles complex. The roof of the building is proposed to be a curved metal standing seam, the lower end (2.5m) of the roof facing the promenade and rising to a height of 7.0m above promenade level on its seaward elevation. The main materials for the walling are natural sandstone with the introduction of render/cladding panelling around the main window and entrance.

The main access to the building is on the elevation facing the stone jetty and slipway. This arrangement allows the hover craft to run out of the building, over the forecourt and down the slipway to launch but also will allow the hovercraft to be loaded onto a vehicle and transported to other areas. Parking for two essential cars is also available within the forecourt area.

Planning History

The application has no relevant planning history.

Planning Policy

The application site is located within an area protected under European of International Conservation designation (Morecambe Bay cSAC/SPA/Ramsar site) and will need to be considered against policy E15 of the Lancaster District Local Plan. In addition the site is also designated as a Site of Special Scientific Interest (SSSI), the development will also need to be considered against policy E16 of the Lancaster District Local Plan.

Both Policy E15 and E16 are protectionist in nature seeking to resist any development that will damage or destroy the designated site. As indicated earlier, English Nature (now Natural England) raised no objections to the principle of the development at the initial concept stage in March 2005. It was considered that as the proposed building is to be located on existing rock armour it would be unlikely that a planning application would be significant as regards to possible adverse effect upon the ecological

integrity of the Morecambe Bay European site. The formal views of Natural England are awaited on this detailed proposal, however, it is anticipated that no objections will be raised over the development.

Comments

This proposal and application site is the result of longstanding discussions with the applicant and other consultees in seeking a suitable location for the hovercraft station. Members may recall that the current temporary location of the hovercraft is within a car parking area to the rear of Hornby Terrace and is not considered to be an ideal situation. The applicants are also on notice to vacate this site. A number of locations have been considered on the promenade frontage resulting in this application.

The site is considered suitable for the needs of the RNLI as it has direct access via the new slipway to the foreshore and has the benefit of good vehicle access to allow loading and transportation to other areas.

As indicated earlier in the report, the site is located opposite the redevelopment zone comprising the Harbour Band Arena and the bubbles complex. The agent have indicated that the location of the new RNLI station has been considered in respect of the preliminary design for the zone in an effort to minimise its impact upon its potential neighbours. It is understood that the developers Urban Splash and architects, Flaqc have been kept up to date with the current application and have been forwarded a copy of the submission.

The hovercraft station is considered to be sensitively located in respect of the draft design. The overall height, orientation and final distances from the redevelopment site helping to minimise impact upon the future development site.

Conclusion

The development is one which is considered appropriate to the area, developing a permanent building for the hovercraft, within a striking bespoke building utilising a contemporary design with a mixture of traditional and modern materials. Subject to no significant objection being raised by the consultees the application 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 subject to no significant objections being raised by the consultees that **PERMISSION BE GRANTED** with the following conditions: -

1. Standard Time Limit
2. Development to be built in accordance with the approved plans.
3. Samples of the external material to be submitted and approved.
4. Precise detail of the foundation design and any encroachment upon existing sea defence construction.
5. As may be required by the consultees.

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DECISION DATE 5 February 2007	APPLICATION NO. 06/01350/CU A12	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED SITING OF TABLE AND CHAIRS ON PUBLIC HIGHWAY		SITE ADDRESS 23 MARKET STREET LANCASTER LANCASHIRE LA1 1HZ
APPLICANT: Nero Holdings 3 Neal Street London WC2H 9PU		AGENT:

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. The property is also allocated within the Plan as a 'Protected Retail Frontage', and is therefore protected by Policies S4, S7 and E35.

STATUTORY CONSULTATIONS

County Environment Directorate (Highways) - No objections in principle provided barriers are provided at each end of the seating area. Advises that a licence is required from the Council to place tables and chairs on the Highway.

Legal Services - Advises that the applicants should be seeking a street licence from the Council's Licensing section.

Forward Planning (Conservation) - No objections provided details of the tables and chairs are conditioned.

Forward Planning (Access Officer) – Considers application should not be approved. Concerned that the proposed seating would increase congestion at a busy section of the pedestrian zone particularly on market days. The cumulative effect of the proposed seating, existing street furniture and the adjacent access into Marketgate Centre would remove a fairly clear route for wheelchair users and the visual impaired.

OTHER OBSERVATIONS RECEIVED

REPORT

The application site, No. 23 Market Street, lies within the eastern periphery of the Castle Conservation Area close to the boundary with the City Conservation Area. The proposed building is centrally located within the city centre on the southern side of Market Square, at right angles to the entrance of Marketgate Centre.

Nero Holdings Ltd applied for a retrospective change of use from A1 to A3 which was granted in early 2005. Since then planning permission for a new shopfront has also been granted consent. This application seeks a change of use of a small part of the highway, namely Market Street, to provide outdoor seating in association with the existing café. The area identified on the plans shall protrude only 1 metre into the adjacent highway and shall extend the full width of the shopfront. This area will be sectioned off at either end with small barriers measuring no more than 1.5m in length and less than 1m in height, similar to the barriers shown in the adjacent photograph.

The Council's Access Officer has raised concerns regarding the proposal, commenting that the proposed seating area, together with the existing street furniture and the adjacent alleyway to Marketgate, would remove what is a fairly clear route for pedestrians, particularly those with wheelchairs and visual impairments. It must be noted however that all of Market Street is pedestrianised, despite some vehicular movement at certain times of the day.

The furniture and barriers are not permanent features and would be put away each day when the café is closed. The applicants have also informed the Council that they do not intend to put the furniture out on market days, in order to help mitigate the concerns raised by the Council's Access Officer.

With regards to planning policy, it must be noted that The Lancaster City Centre Strategy (SPG 6) suggests that Market Square, along with the other Squares within the City do not perform as well as they might. The provision of outdoor seating and café uses close to Market Square and within it would enhance the vitality of the City Centre and improve the City's public realm. This aim is also supported within the Local Plan. Paragraph 3.5.29, which refers to food and drink uses within the City Centre, suggests that café uses within pedestrianised areas could benefit from pavement seating.

Despite the concerns raised by the Access Officer, the proposal does not have a significant adverse effect on the character and appearance of the streetscene or the wider Conservation Area, nor does the proposal affect the special character of the Listed Building. It is on this basis that Members are advised that this application can be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal that 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 Time Limit.
2. Development to be carried out in accordance with the approved plans.
3. Details of the style and materials of the furniture and barriers to be submitted.
4. The outdoor seating area shall be used solely for ancillary purposes to the main use of Café Nero, 23 Market Street, Lancaster.
5. Furniture not to be placed outside the café on market days.

DECISION DATE 12 March 2007	APPLICATION NO. 07/00055/CU A13	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED CHANGE OF USE OF B1 OFFICE TO MIXED USE OF B1 (BUSINESS) AND D1 (NON-RESIDENTIAL INSTITUTIONS) - PROVISION OF DENTAL HEATH AND THERAPY SERVICES AND THE MANUFACTURE OF DENTAL APPLIANCES		SITE ADDRESS SUITE 5 1 MANNIN WAY LANCASTER LANCASHIRE
APPLICANT: Grange Dental Practice C/o Agent		AGENT: Steven Abbott Associates

REASON FOR DELAY

Committee Cycle

PARISH NOTIFICATION

No objections.

LAND USE ALLOCATION/DEPARTURE

The site is allocated as a Business Park in the Lancaster District Local Plan 1996 - 2006. Policy EC2 allocates Lancaster Business Park for B1 business and B2 general industrial uses.

STATUTORY CONSULTATIONS

County Environment Directorate (Highways) - No objections.

Environmental Health Service - No objections.

Forward Planning - The proposed D1 use is contrary to the established policy for the site (B1-B2) and does raise concern in terms of its unsustainable location. The question is whether the particular circumstances of this case justify the making of an exception to policy. The exceptional circumstances which carry most weight are job creation and the provision of services not currently available within the District (this refers only to those services not available from the 32 Dental Practices across the District, namely imaging technology and design and dental product manufacturing). Irrespective of these circumstances the sustainability argument remains paramount.

OTHER OBSERVATIONS RECEIVED

None

REPORT

This application proposes to utilise one of the units on the Lancaster Business Park for a mixed use incorporating a use outside of the B1 business use, permitted for the overall site under planning permission 00/00939/OUT, which granted permission for 8002 sq. metres of B1 office use on the site as a whole. To date 3,451 sq. metres of this B1 use have been implemented, in the form of 2 individual office blocks and the Persimmon Homes head quarters. There is also the Total Fitness Centre and the Hotel/restaurant complex on the site.

This proposal is to rent 206sqm of floor area on the 2nd floor of an existing building on the site, along with the 7 dedicated car parking spaces, for 5 years. The building is an L-shaped office building to the front of the Total Fitness Leisure and Health Club. The building is currently partly occupied, with the 1st and 2nd floors currently vacant. Apparently since completion in 2002 the building has never been fully let or occupied.

The applicant aims to provide a number of services available to users with regard to the dental use. These primarily include:

- routine dental maintenance care
- dental treatments
- dental hygiene and therapy consultations
- imaging technology
- design and dental product manufacturing
- office and reception support

The use therefore consists of a mixture of professional advice and consultation along with direct dental treatment. The applicants have suggested that it is best described as a mixed use although it is more closely aligned to a D1 use and should be considered accordingly.

The D1 use is not in accordance with Policy EC2 for the business park which indicated that B1 business use should be the primary use of this site. However the applicants have put forward strong arguments in favour of the proposal. They point out that they will provide facilities of the wider Lancaster area known to be in short supply, contribute considerable financial investment for the for the site and provide employment opportunities (12-16 jobs would be created along with the benefits for the site which is struggling to attract tenants). They have also indicated that a 'wide-ranging' search for alternative sites for this proposal has been undertaken, although details of this research have not been submitted. The proposed site arguably appears to have been primarily chosen because of its location and accessibility to the M6, along with good quality accommodation. The practice would be open from 7.00 am to 9.00 pm offering a service outside the normal working day to provide greater flexibility for patients/customers.

Policy Considerations

The Lancaster District Plan allocates the site for B1 and B2. It also states that non-employment uses will not be permitted but indicates that some supporting development up to a maximum of 25% of the total floorspace may be permitted. In this regard the applicant has clearly demonstrated that the proposed use is efficient in terms of employment creation, however this does not eliminate that fact that non-B1-B2 uses are clearly contrary to policy provisions. The only national policy relating to D1 uses appears to direct them to local centre locations while emerging regional policy identifies accessibility and community needs a key consideration.

The site was allocated for B1-B2 uses in the Lancaster Local Plan adopted in 1988, with permission granted for the business park in the early 1990s. The key decisions relating to the principle of the office development on the site were subsequently taken prior to the publication of PPS 6, an era of planning policy before sustainability became a key consideration. The provision of a dental practice in this

proposed location, outside the City centre, remote from residential areas fails to meet the objectives of sustainable development.

In favour of the development it can be argued that the proposal is similar to office use in terms of job creation, the development utilises a relatively small area and provides some services not currently available in the District. Against this must be set the fact that the location is not well located in terms of access by public transport. Despite mention of a minibus/drop off facility for clients it seems most unlikely that all but the most determined staff or patients will choose to visit the premises by any form of sustainable transport. The applicants have not put forward a detailed Travel Plan to suggest how these drawbacks might be overcome, nor has any evidence been produced regarding a search for more appropriate local centre locations.

Whilst Policy EC2 does recognise that some non-industrial uses may be necessary component of any package to bring forward the development of the site it is considered that this element has already been exceeded by non B1-B2 uses already present on the site.

Conclusion

Given the factors detailed above, it is considered the applicants have failed to make a convincing case for an exception to be made to the established policy. In recent times the Council has determined to oppose non conforming uses on the site and has been successful on appeal. It is therefore recommended that permission be refused.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal that appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

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

1. The proposal is contrary to Policy EC2 of the Lancaster District Local Plan which seeks to reserve the site for B1-B2 uses.
2. The proposal is contrary to the principles of sustainable development identified in PPS 1 and PPS 6, particularly with regard to community services and accessibility.

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DECISION DATE 11 May 2007	APPLICATION NO. 07/00174/FUL A14	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION FOR THE ERECTION OF TWO POULTRY BREEDER HOUSES AND EGG STORE AND ANCILLARY HARDSTANDING AND LANDSCAPING		SITE ADDRESS LAND BETWEEN CARLOW WOOD AND WOODMAN LANE BURROW WITH BURROW LANCASHIRE WOODMAN LANE BURROW LANCASHIRE
APPLICANT: Mayfield Chicks Ltd 21 Union Street Ramsbottom Lancashire BL0 9AN		AGENT: HOW Planning

REASON FOR DELAY

None.

PARISH NOTIFICATION

The views of Burrow with Burrow Parish Council are awaited.

LAND USE ALLOCATION/DEPARTURE

The site is designated as a Countryside Area within the Lancaster District Local Plan.

STATUTORY CONSULTATIONS

Environment Agency - They have no objections in principle, although the information regarding drainage requires clarification and as a result a planning condition is suggested requiring the foul drainage details to be submitted within 6 weeks of any grant of planning permission.

County Highways - Views awaited.

Environmental Health Service - Views awaited

OTHER OBSERVATIONS RECEIVED

No observations had been received at the time of compiling this report. Any correspondence received will be verbally reported to Members.

REPORT

The Site and its Surroundings

The Mayfield Chicks (Carlow Wood) Farm is sited on the western outskirts of the hamlet of Overtown within the Burrow with Burrow parish. A belt of agricultural land separates the business from the settlement. Land remains undeveloped on all other sides.

The Unauthorised Buildings

The buildings in question are the two long, central poultry buildings shown on the applicant's plan. One has a floor area of 1,525 square metres, whilst the other is longer but narrower at 1,440 square metres. The left-hand poultry house has an eaves level of 2.6 metres, rising to a ridge height of 5.4 metres, whilst the right-hand one is smaller at the ridge but slightly taller at the eaves. The egg storage building in between the poultry houses is comparatively small with a floorspace of 160 square metres and is 5.7 metres at the ridge and 4.25 metres at the eaves level.

Planning History

The planning history of the site is complex. To summarise, Mayfield Chicks acquired the site in 1985 following the disposal of surplus farmland. The first chicken breeder sheds were erected under agricultural permitted development rights shortly afterwards.

During the early-1990's planning applications were submitted proposing additional breeder houses. To avoid further sheds being erected under the previous permitted development regime, the City Council granted consent and the use of the site intensified.

In October 2003 the Local Planning Authority were alerted to the construction of 3 new units in the centre of the site. Following an enforcement investigation, it transpired that no planning application had been made for the structures and that they constituted unauthorised development. The first of these buildings became operational in January 2004.

The first retrospective planning application was submitted in February 2004 (Reference: 04/00137/FUL) and proposed the retention of two poultry breeder houses, an egg storage building and ancillary works within the site compound such as the provision of hardstanding areas. This application was deferred on two occasions, which allowed Members to visit the site, but the application was eventually refused in June 2004.

This second retrospective application was submitted in September 2004 (Reference 04/01327/FUL). The decision was delayed for a number of reasons, not least the applicant disputing the need for a new planning application. The Local Planning Authority had to seek the advice of Counsel, and Counsel confirmed that the stance taken by the Local Planning Authority was correct in that planning permission was required. The planning application was refused in December 2005.

During June 2006 the applicant submitted an appeal against the second refusal. This appeal has been scheduled for a Public Inquiry in April 2007.

In the meantime the applicant submitted three Lawful Development Certificate applications. Lawful Development Certificates (LDC's) are different from planning applications in that the individual merits of the development are not relevant - the LDC's were an attempt to prove to the Council's legal satisfaction that the use/development did not require planning permission, or had been in existence for such a period of time that it would be exempt from the usual process of applying for planning permission, or any enforcement action.

The first LDC application, (Reference: 06/00641/ELDC) demonstrated that the lawful use of the site was for agriculture as defined by the Town & County Planning Act 1990. This was clearly the case and therefore a certificate was granted in September 2006.

The second LDC application (Reference: 06/00642/ELDC) demonstrated that all units (other than the 3 buildings subject to the current application) either benefited from permitted development rights at the time of construction, or were lawfully erected under a previous planning approval, or were lawful because they had existed on site for the necessary period to qualify for immunity from enforcement action. After seeking a formal response from Counsel, it was concluded that the applicant had demonstrated that this was the case and a Certificate was issued.

Finally, a third LDC application (Reference: 06/00643/PLDC) sought to demonstrate that the 2 units in the middle of the site that had never been erected, could theoretically be erected under the terms of a 1991 planning approval, providing that the unauthorised units that occupied their positions on the site were demolished. Again the Local Planning Authority consulted Counsel and their formal response indicated that the 2 units could potentially be erected in the centre of the site under the 1991 planning permission.

The granting of the three LDC applications has led the applicant to pursue this third retrospective application, because the planning background to the case has altered.

Discussion

Notwithstanding the legal background to the proposal, the application should also be assessed in terms of the matters that were unacceptable last time, namely odour, the potential for PM particles, and highway/traffic impact. The issue of site appearance and landscaping is also referred to despite not being a reason for refusal.

Other matters such as noise and fly infestation were satisfactorily investigated last time and were not reasons for refusal.

Odour and PM10 Particles

There have been other developments since the determination of application 04/01327/FUL. The Environment Agency has granted a licence for the site under the Pollution and Prevention Control Regulations 2000. The site required a permit for the rearing of poultry following the construction of the poultry houses in question and the egg handling building.

Due to the scale of the stocking numbers at the site (in excess of 40,000 birds), responsibility for environmental protection has since passed from the Council's Environmental Health Service to the Environment Agency. Consequently any complaints regarding odour nuisance, dust/PM10 particles or environmental protection are not handled by the City Council.

The numerous odour studies and the PM10 particle emission study which accompanied the last planning application were useful. However the City Council concluded that some of the reports were not thorough; that some data was missing from other reports; and that methodologies for some of the studies had not been provided in full. Whilst this did not invalidate the studies, they weakened them to such a degree that Members were unconvinced of their content.

As part of this new application a firm operating as Acoustic Air Ltd has reviewed all of the previous odour and PM10 studies. With regard to odour they refer to the Environment Agency's Guidance Note H4, which identifies an 'odour threshold' of between 3 and 6 ouE/m³ for 98% of the year. The studies previously undertaken indicated that odour concentration does not exceed the upper figure at any of the 'sensitive locations' (dwellings and residential gardens). The highest odour concentrations arise in the immediate vicinity of the farm, where worst case concentrations of 20/ouE/m³ or more would be expected for 2% of the year. The report continues by stating that predicted concentrations "along

Woodman Lane immediately outside the farm lie in the range of 10-20 $\mu\text{g}/\text{m}^3$, which is consistent with a mealy odour occasionally detected on land immediately surrounding the farm". Ammonia concentrations were similarly low in relation to identified thresholds, with highest concentrations being found within and directly outside the complex. However the report concludes that ammonia concentrations at the receptor locations were "between 18 and 40 times lower than the Environment Agency's Environmental Assessment Level for ammonia".

PM (Particulate Matter) 10 is the name given to those particles that have a diameter of 10 micrometers or less. They often originate from smoke, dirt or dust from industrial practices, farming or from highways, and are then carried on the wind.

The PM10 study submitted last time was short in length but demonstrated that PM10 levels were generally below the Air Quality Standard levels. One area of concern related to higher recorded levels at the start of that study, which the applicant attributed to the monitor "settling-down". This was not verified.

Acoustic Air's assessment states that Air Quality Management guidance was updated in 2006 to consider PM10 emissions from poultry farms. The guidance stipulates that *"At this stage, unless the authority is aware of any local circumstances that indicate an exceedance of the PM10 objective is likely, there is no need to take further action"*. Since the Environment Agency has now granted a permit to the farm, it is considered that they are the appropriate body for monitoring PM10 emissions.

The Environment Agency's consultation response is therefore critical in relation to both odour and PM10 emissions. They confirm that the IPPC permit covers the site and has done since March 2006, three months after the previous planning refusal. They have no environmental objections to the principle of this retrospective development.

The only outstanding matter at present relates to egg room drainage and liquid arisings from the poultry houses, which should be connected to a sealed catchment tank. The applicant advises that they are connected to a septic tank. The Environment Agency has requested clarification over the term 'septic tank' but are satisfied that the matter could be dealt with as a planning condition, and have suggested appropriate wording.

Given that the Agency is the legislative body for environmental protection, and that they have no objections to the principle of development, there does not appear to be any valid planning grounds for opposing the retrospective development in terms of odour and PM10 emissions.

Highway Impact

For the first time the applicants have engaged transport consultants (WSP Development & Transportation) to assess the traffic and highway impacts.

They confirm that eggs from the site are despatched to hatcheries at various locations across Northern England.

As part of the Transport Statement that applicant analysed road traffic accidents in the vicinity during a period of 5 years to May 2006. One accident was recorded on Woodman Lane involving a bicycle and a car. Other accidents on the A683 and the A65 did not involve junctions with Woodman Lane.

Traffic levels along Woodman Lane were assessed as "very low" during the period of study, with an average of 130 vehicles per day using the lane.

The Statement has assessed four different scenarios involving traffic to and from the site. The first involves assessment of the current site operations involving all of the units; the second scenario considers traffic movements associated with the approved/authorised units only; the third considers movements if the 1991 consents had been implemented in full (i.e. - if the unauthorised units were removed and replaced by the 2 units approved under the 1991 consent) and the fourth scenario

assesses the use of the site as a broiler farm as opposed to a breeder farm, based upon permitted buildings only.

Annual Average Daily Traffic (AADT) differs only slightly between the first three scenarios, ranging from 14.16 vehicles per day to 14.35 vehicles per day. The last scenario sees the AADT fall to just over 7 vehicles per day, although the number of Heavy Goods Vehicles increases.

One of the headline figures states that the site currently generates 456 HGV two-way movements per annum. This is significant given the width of Woodman Lane. However the number of feed deliveries would still be the same under Scenarios 2 and 3. The applicant has also confirmed (via an email received in addition to the Transport Statement) that the weight/size of the feed delivery vehicles would not change, irrespective of the number of chicken sheds. This is because changes in legislation have resulted in an increase to 28-tonne delivery vehicles, which allow greater load capacity. The vehicles deliver to a number of sites on a single trip, and changes to circumstances at one chicken farm would not alter the size of the vehicle.

Other vehicular movements associated with litter removal, stock deliveries and power washing are slightly less over the course of the year under Scenarios 2 and 3.

The applicant refers to a 'Voluntary Route Management Strategy' that ensures that all non-daily site personnel arrive and depart via the A65. Only one daily vehicle arrives via the A683 and this carries 7 agency workers to the site.

Previously the applicant had agreed to a limit on delivery vehicles. It would seem that this would be difficult to effectively enforce because of the requirement for constant on-site monitoring. If Members are satisfied that they cannot oppose the vehicular movements then it may be more prudent to condition the agreement of a traffic route management strategy, where HGV's use one route only. The suggested route would be via the A683, because it would remove the negotiation of the tightest bend in Overtown Village.

The conclusion states that there "would be little or know (sic) change in the maximum traffic generated by the site, approximately 14-15 vehicles per day". Given that the applicant states that the scale of the HGV's would remain unaltered regardless of the number of sheds, and that the County Highways Department does not object to the proposal, there appears to be no justifiable planning grounds for opposition in highway terms.

Site Appearance & Landscaping

The situation regarding site appearance remains unchanged. From the south the site is quite densely screened by existing landscaping. However the elevated highway results in the light-coloured roofs being visible above the landscaping. This is considerably noticeable all year round, but especially during summer months when the glare from the roofs is striking and discordant with the rural surroundings.

During consideration of 04/01327/FUL the applicant had agreed, via their agents at the time, to re-coat the colour of all three new roofs an Olive Green colour. Whilst the appearance of the buildings was not opposed by Members last time, it is an issue which could be addressed via a planning condition should planning permission be retrospectively granted now.

A further justifiable condition would be the provision of additional planting, particularly on the north-east boundary of the site. Whilst it is recognised that there is only a thin strip of land that could accommodate landscaping, this will be preferable to the current arrangement where the site is totally visible through a small agricultural post and rail fence.

Recent Appeal Decisions

The applicant has submitted a copy of a recent appeal decision involving the erection of a poultry shed in Whissendine (Rutland Council). The applicant advises that the appeal was allowed and costs awarded against the Local Planning Authority. Whilst this does not set a precedent, and acknowledging that there are differences between that case and the current proposal, the Inspector made a number of general comments that are worth repeating.

With regard to dust, he acknowledges that "the keeping of free-range poultry can give rise to some dust, and that the stack effect of rising air currents in the buildings will carry a proportion, particularly of the smaller particles, outside through the ventilation system...The Environmental Statement (submitted with the Whissendine proposal) indicates that EU air quality guidelines are unlikely to be breached at distances greater than 100m from the source".

In relation to smell the Inspector also accepts that the "keeping of poultry can give rise to smell, especially from manure...however all types of poultry keeping do not smell to the same extent". He then cites intensive broiler keeping as a more odorous activity, before concluding that "It is not uncommon in a rural area for there to be smells from agricultural operations, including stock-keeping and the spreading of manure on land...against that background, I do not think it unreasonable for those living in a rural community to experience 'rural' smells from time to time, It is part and parcel of rural life".

A striking similarity between the Whissendine case and the proposal before Members is the granting of LDC's. At Whissendine, a Certificate was granted for use of the land for hens and the siting of sheds for shelter. The Inspector concluded that this was the appellant's "fallback position". He continues by stating that the "existence of a viable fallback position, while not central to my consideration of these appeals, nonetheless adds weight to my conclusions".

The fallback position in the Mayfield Chicks case would be the removal of the unauthorised units and the erection of the 2 unbuilt sheds permitted by the 1991 consent. It is recognised that the 1991 units are smaller in size than the unauthorised sheds. However, given the Transport Statement data and the absence of a highway objection, the Local Planning Authority concludes that there will be no significant changes to the scale of the HGV vehicles, and no considerable differences to traffic movements generally.

It may be assumed that smaller sheds would perhaps lead to less odour, but this too is not a reason for opposing the development, especially given that the Environment Agency, as legislative body, does not oppose the development.

Other Matters

The applicant correctly states that they would not require planning permission to change the use from a breeder farm to a broiler farm. Whilst vehicle numbers would fall (due largely to reductions in staff), broiler farms generally produce more objectionable smells.

If Members are minded to support the application, the applicant has offered a planning condition preventing the change of use occurring without a new planning application.

Conclusion

The Mayfield Chicks saga has continued for in excess of three years. This has been due, in no small part, to the actions of the applicant and in particular the complex legal debate that embroiled the 04/01327/FUL application. It is regrettable that the sheds were erected without permission in the first instance. Retrospective planning applications adversely affect public confidence in the planning system and often place the Local Planning Authority in a difficult position.

The fact that there is an imminent Public Inquiry appeal hearing should not affect deliberation of this case. Similarly, the Whissendine appeal decision is not a basis for making a decision on this proposal, although it provides an insight into how the Planning Inspectorate assessed the issue of odour and the use of a 'fallback' position.

The Local Planning Authority acknowledges that the background to the application has changed since it was last refused by Members. The Environment Agency's remit in monitoring any environmental impacts is a new and important development to the case. The granting by the Agency of an IPPC permit occurred after the last planning refusal and is a material consideration in this matter. The absence of any environmental objection from the controlling body is a significant development given their remit.

The highway data is not disputed by the County Highways Department and the fact that 28-tonne vehicles would continue to deliver to this site regardless of whether the sheds are demolished or replaced with the smaller units approved in 1991, removes any justifiable highway objection. Both the Local Planning Authority and County Highways would prefer delivery vehicles to be smaller, but given that the Carlow Wood site is just one delivery point it is highly unlikely that this will ever occur.

The presence of a fallback position places the applicant in a strong position, especially as the 1991 units can be erected without any input from the planning authority. In the event that this third application were refused and the appeal dismissed, an Enforcement Notice requiring the removal of the unauthorised sheds could not impose conditions on the replacement buildings, as they already benefit from planning consent. There is the prospect that an Enforcement Notice could direct that the existing sheds be reduced to the size of the lawfully approved units, in which case conditions may be permitted. However these would be open to challenge via an Enforcement Notice appeal.

The Local Planning Authority concludes that whichever course of action is eventually permitted, be it the retention of the existing units or the erection of the replacement (smaller) units, it would still lead to an intensification of the site over and above pre-2003 levels. It is felt that in the absence of environmental or highway objections from the relevant statutory consultees, the most prudent course of action would be to accept the unauthorised units subject to strict planning conditions. In particular, the applicant has indicated that they would be willing to accept a condition which removes permitted development rights to change the use of the site to broiler-rearing. Other conditions would seek to enhance the landscaping on the thin strip of land at the north-eastern boundary, to agree a traffic route for delivery vehicles and to change the colour of the roofs of the 3 units to Olive Green. Conditions regarding odour and dust are now inappropriate given the IPPC regulations.

It is on this basis that a recommendation of approval has been reached.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

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

1. Removal of permitted development rights to prevent use of site for broiler keeping/rearing.
2. Traffic route management strategy to be agreed.
3. Additional planting to north-east boundary of site to be agreed.
4. Roof colour of 3 units to be re-coated Olive Green within 3 months of the date of the consent and maintained as such at all times.
5. As required by consultees.

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DECISION DATE 27 February 2007	APPLICATION NO. 07/00009/LB A15	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED ALTERATION OF INTERNAL WALLS	SITE ADDRESS FLAT 2 11 CABLE STREET LANCASTER LANCASHIRE LA1 1HD	
APPLICANT: Ms R Robinson Flat 2 11 Cable Street Lancaster Lancashire LA1 1HD	AGENT:	

REASON FOR DELAY

Committee Cycle.

PARISH NOTIFICATION

None.

LAND USE ALLOCATION/DEPARTURE

The property lies within the City Conservation Area.

STATUTORY CONSULTATIONS

Conservation Officer - No objections

OTHER OBSERVATIONS RECEIVED

None.

REPORT

It has been necessary to bring this application before Members as the property is in City Council Ownership.

The property that is the subject of this application is a Grade II listed 18th century Georgian town house that is located on the northern periphery of the City Conservation Area. The subject property is a first floor flat within the building.

This listed building application proposes the removal of two internal walls in order to allow better use of space within the flat. Having visited the property the Conservation Officer is satisfied that the alterations will improve living accommodation and reveal a currently hidden feature within the flat.

In conclusion, this proposal will not adversely affect the character of the listed building. The works are considered sympathetic and it is on this basis that Members are advised that this application can be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal, which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That the application be referred to Government Office North West with a recommendation that **PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard Listed Building consent.
2. Use as per approved plans.

AGENDA ITEM NO. 16

HAS BEEN WITHDRAWN

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DECISION DATE 23 December 2005	APPLICATION NO. 05/01114/OUT A17	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED OUTLINE APPLICATION FOR ERECTION OF SCIENCE PARK AND RESTAURANT/CAFE WITH CAR PARKING, SERVICING, ROADS, FOOTPATHS AND CYCLEWAYS, PUBLIC TRANSPORT FACILITIES, LANDSCAPING AND PUBLIC OPEN SPACE		SITE ADDRESS LAND FOR PROPOSED BAILRIGG BUSINESS PARK BAILRIGG LANE LANCASTER LANCASHIRE
APPLICANT: North West Regional Development Agency Renaissance House PO Box 37 Centre Park Warrington WA1 1XB		AGENT: CAPITA Symonds Ltd

REASON FOR DELAY

The application was held in abeyance during late-2005 and virtually all of 2006 at the request of the applicant. The reasons for this were largely unconnected to the planning process. Amended proposals have been submitted.

PARISH NOTIFICATION

Scotforth Parish Council are pleased to note that most of their original, 2005 objections have been addressed. There are a few objections which remain but they believe that these could be "easily resolved". They propose the following:

- Amenity bunding should be constructed between Bailrigg Village and the whole eastern boundary of the Science Park, planted with trees at a 35-degree slope to limit noise and visual impact;
- The lowering of finished ground levels by 300mm (to provide soil for the bund and to limit visual and noise impact);
- The provision of cut-and-fill cross-sections across the site;
- Additional proposed bunding across the northern boundary of the site would be advantageous;
- Tree planting enhancement and bunding along the site frontage to limit the impact of new buildings;
- The provision of an independent hydrological study to consider impacts upon water table and ground conditions.

Ellel Parish Council objected to the original 2005 proposals but have since submitted correspondence which requests that the following issues be taken into account:

- A roundabout would be more effective method of access to the park than traffic lights and would allow for more even traffic flows.

- They are concerned about potential drainage into Ou Beck and would seek assurances that the sustainable urban drainage system has sufficient capacity to cope with heavy rainfalls that have occurred lately. A regular maintenance programme should be implemented to keep Ou Beck clear and flowing freely downstream to alleviate flooding.

LAND USE ALLOCATION/DEPARTURE

The Lancaster District Local Plan identifies this land as one of four greenfield locations for inward investment and high-quality economic development. It was formerly allocated as the 'Bailrigg Business Park', although it has since been acknowledged that this site would be developed as a Science Park. The allocation protects the site for B1 (Business) use only.

The adjacent A6 highway is part of the district's Primary Bus Corridor. The Strategic Cycle Network runs along Bailrigg Lane to the north. The university land immediately to the south is allocated as Key Urban Landscape and Urban Greenspace.

STATUTORY CONSULTATIONS

North West Regional Assembly - No comments submitted.

North West Regional Development Agency (NWDA) - Although the NWDA is the applicant, the application falls within the scope of the Agency's statutory consultation criteria. They are of the view that the development is consistent with the emerging Draft Regional Spatial Strategy, the 2006 Regional Economic Strategy and the Lancaster District Local Plan.

County Planning - The development conforms to Structure Plan policy and is acceptable. Bus linkage will require further exploration, as will measures to actively discourage private transportation.

Highways Agency - Due to the ongoing analysis relating to the impact of the development on the M6 Trunk Road, a Holding Direction has been placed upon the Local Planning Authority. The Holding Direction means that the Local Planning Authority cannot grant permission until the Direction is withdrawn by the Agency. The Direction has been placed due to the ongoing analysis of development flows and its impact on the M6 Trunk Road and at present, it remains valid until 25 March 2007. The applicants advise that negotiations will result in the removal of the Direction before the committee meeting. If the Holding Direction is not removed by the Agency then this application will be withdrawn from the Committee Schedule.

County Highways - Comments regarding the amended plans had not been submitted at the time of compiling this report and will be verbally summarised. In response to the original proposals, the County Highways Department objected to the proposal on highway capacity grounds. Their main concerns were the impact upon the A6/Hala Road junction and the A6/Galgate crossroads. Additional traffic during peak hours would have a significant adverse impact at these junctions. The increase in queues south of Galgate are likely to back up traffic to Junction 33 of the M6 and they advised that the Highways Agency will have concerns regarding this. However they are mindful that this is an allocated site in the Development Plan. Therefore if consent is granted a range of planning conditions are proposed, including:

- Off-site highway improvements;
- Installation of MOVA technology to both the Hala and Galgate junctions;
- Improvements to visibility;
- Provision of Quality Bus stops;
- Provision of cycle routes and associated signage;
- Provision of a car park management strategy;
- Imposition of a Travel Plan condition with penalties for non-conformance under a Section 106 (legal) agreement;
- Provision of appropriate public transport contributions.

County Ecology - The loss of hedgerow and trees would substantially reduce bat habitats. A condition requiring further survey before mature trees are felled should be imposed. Works during bird breeding season should be avoided. Working measures should be imposed (again via a condition) preventing the spread of Japanese Knotweed in accordance with Environment Agency guidelines. Suitable hedgerow compensation measures should be the subject of a planning condition to ensure no net loss of hedgerows. Reedbed filters could be included upstream of the proposed new ponds in accordance with Environment Agency advice. Landscaping proposals should comprise only native plant species - and the retention of some of the trees identified for felling would assist. A Habitat Creation/Management Plan should be required via planning condition.

County Archaeology - The site should have the potential to contain archaeological deposits associated with the Roman period. The applicants should be requested to provide further information as to the likely impacts on surviving archaeological deposits by means of pre-determination archaeological field evaluation. A condition should be imposed requiring a programme of archaeological work.

Environment Agency - In relation to the amended plans the Agency has requested a condition requiring a surface water regulation system to be implemented. Previously the Agency had requested a repeat water vole survey at an appropriate time of year be undertaken (which then occurred in May 2006, thus discharging this request). In order to maintain the character and provide undisturbed refuges for wildlife, an 8m vegetated buffer zone should be provided of locally native plant species along Ou Beck. The zone should be free of structures and boundary treatments. General advice regarded buffer zones is provided.

United Utilities - Comments regarding the amended plans have not yet been received. However they previously commented that they had no objections in principle. The only concern is that United Utilities have an 18" water main in a 10m easement that crosses the site. Dependent on the location of buildings the main would have to be diverted or the detailed site layout is fixed to protect the position of the main. The site would need to be drained on a separate system. General advice notes were provided for the applicant.

Natural England (formerly English Nature) - English Nature commented in March 2006 that further survey work should be undertaken to establish the presence or absence of protected species. This was undertaken by the applicant and a subsequent English Nature response confirmed that no features of significant nature conservation interest would be affected. A formal response to the amended plans has yet to be received but Natural England have verbally confirmed that their views are unchanged.

Sustrans - There is scope to improve the existing city centre-University cycle route especially along the A6, which provides a more direct route and for further linkage to surrounding residential areas. High quality cycle parking should also be provided and a Travel Plan with targets and regular monitoring should be required.

Employment Access & Cycling Co-ordinator - The Science Park concept should encourage pedestrian and cyclist-friendly layouts where they are given priority over motor vehicles at junction crossings. Cycling parking should be provided at each building. The Framework Travel Plan contains little about encouraging staff to walk or cycle and relies on the availability of buses. The new bus service (X1) linking the university to the bus and railway station is part funded by Lancaster University and St Martin's College. Car parking should be minimised to ensure more sustainable modes of transport.

Economic Development & Tourism Service - Supports the application for a number of reasons; it will contribute towards the aim of retaining graduates in the district, it is a Strategic Regional Site in the 2006 Regional Economic Strategy, it is supported through the Lancaster & Morecambe Vision Board, it will complement existing facilities and businesses at the University, and that there is a need for the development as identified by an NWDA Demand Study.

Environmental Health Services - No objections regarding the amended plans, but an hours of construction condition should be imposed. General advice notes relating to noise levels are also provided.

Engineering Manager - No objections.

OTHER OBSERVATIONS RECEIVED

At the time of compiling this report, 22 letters of objection have been received from local residents and residents further afield. Most of these objections were received in relation to the original plans deposited in 2005. However their observations remain valid. The following key issues have been cited as reasons for opposing the development:

- Loss of green space and erosion of open area between the city and the university;
- Substantial additional traffic generation;
- Additional set of traffic lights affecting traffic flows;
- Impact upon drainage, especially flooding of Ou Beck and its impacts further downstream in Galgate and the absence of a hydrological survey;
- Visual impact and scale of the structures;
- Health risks associated with working adjacent to pylons;
- Lack of landscape screening, especially to Bailrigg Village;
- No verification of figures for new jobs created;
- No justification for need;
- Failure to integrate satisfactorily with Lancaster University;
- Lack of Science Park 'synergy';
- Noise and air pollution;
- The need for more support services (schools, surgeries etc).

City Councillor Emily Heath has objected to the proposals for the following reasons:

- No business plan justification for a Science Park;
- No assurances than the site will be affordable;
- Contrary to Regional Planning Guidance because of location;
- The prospect of jobs being taken from outside the district due to its location outside the city boundary; No reference to renewable energy - at least 30% of its own energy use should be from renewable sources;
- Design statement is weak and is undermined by a vague layout drawing;
- The Green Travel Plan is inadequate and all reference to car parking spaces has been removed;
- Traffic impacts will adversely affect air quality.

In addition Lancaster University also recorded an objection to the proposal. They have since verbally confirmed that this has been withdrawn and written confirmation will be submitted in time for the Committee Meeting. They have been involved in discussions with the applicant during the latter part of 2006/early 2007, and this has resolved many areas of concern. The University's Enterprise & Commercialisation Unit sent a separate letter in September 2005 supporting the development, whilst the Estate Management Department also made separate representations during that month regarding transportation matters.

The Lancaster & Cumbria District Association of the National Cyclist's Organisation objected to the 2005 plans on the basis of the A6 junction arrangements, the phasing of the scheme, absence of improvements to cycle routes outside the site, potential for extending a 30mph speed limit.

REPORT

The Site and its Surroundings

The site that is the subject of this application is located between the southern periphery of the city and the northern boundaries of Lancaster University. Bailrigg Lane, a relatively narrow semi-rural road, bounds the site to the north and connects the residential hamlet of Bailrigg to the A6 to the west. The southern boundary of the site consists of a mature landscaping belt which forms an effective visual screen to the University's sporting pitches. Further agricultural land lies to the east of the site.

The land is best described as gently undulating, sloping towards the south-east. There are two low ridges running north-to-south which terminate at the valley of a small stream known locally as Ou Beck. The eastern edge of the site is most visible from Bailrigg Village. The site is not visually prominent from distant views along the A6, because of the orientation of the road and the successful existing planting. However the site is considerably visible at immediate quarters and the rising nature of the landscape emphasises its prominence. The roadside boundaries are hedgerow, stone wall and pockets of woodland.

There is one existing building in the north-west corner of the site, which is a small electricity sub-station which will be retained. Otherwise the land currently has no public access. It continues to be farmed and comprises 9.7 ha of Grade 3a and Grade 3b agricultural land.

The A6 is a recognised bus corridor and has services linking the University with the city's bus and rail stations. Services also operate (albeit less regularly) to the village of Galgate and to Preston and Blackpool. The West Coast Main Line runs adjacent to the A6 but there is no immediate rail access to the site. Bailrigg Lane forms part of the district's cycle network.

The site does not benefit from any statutory nature conservation or heritage status, nor is it crossed by public footpaths. However Tree Preservation Order No. 385 was made in 2005 and protects three trees in the south-eastern corner of the site.

History of the Current Application

This application was submitted by the North West (Regional) Development Agency (NWDA) in September 2005. It was submitted in outline form only with only the means of access into the site applied for. All other matters would be reserved for future consideration, should the application be successful. An illustrative masterplan was provided at the time with suggested site layouts and building plots. Full consultation took place and the Local Planning Authority listed a number of concerns, particularly relating to traffic and the potential siting/uses of buildings. The University also lodged a written objection via their consultants, CB Richard Ellis.

The applicant requested that the application be held in abeyance pending a review of the submission and due to internal problems at the NWDA.

Following closer liaison with the university a series of revised documents were eventually submitted on 2 February 2007 and these superseded all previous plans and statements. A further revision to the supporting planning statement was received on 22 February 2007. The consultation comments received during 2005 and 2006, including neighbour comments, are all still relevant, although for the purposes of clarity all consultees and neighbours have been consulted again on the amended proposals. The University have verbally confirmed that their objection has been withdrawn.

Planning Policy

There are considerable national, regional and local planning policies that are applicable to this development.

At the national level a number of Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS) are applicable and are listed below.

PPS 1 (Delivering Sustainable Development) underpins the planning system and states that planning should facilitate and promote sustainable and inclusive patterns of urban development by making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; to protect the character of the countryside and existing communities; and to ensure that development has good and inclusive design using efficient resources. In terms of economic development, Local Planning Authorities are advised to promote economies by providing a positive planning framework for sustainable economic growth, in support of the Regional Economic Strategy.

PPG 4 (Industrial and Commercial Development and Small Firms) is a more dated document but its guidance is still relevant. It seeks to encourage development in accessible locations where more efficient modes of transport can be used, and states that "this is particularly important in the case of "campus style developments such as science parks". It says that development should be discouraged where it would be likely to add unacceptably to congestion and should avoid trunk roads (such as the M6) where these roads are designed for longer-distance movement.

PPS 9 (Biodiversity and Geological Conservation) encourages development to protect and enhance networks of natural habitats. Developments can offer opportunities for building-in beneficial biodiversity features as part of good design. Some individual species are statutorily protected under a range of legislative provisions.

PPG 13 (Transport) seeks to promote more sustainable modes of transport for people and for freight; to provide accessibility for jobs and services by public transport, walking and cycling; and to generally reduce the need for travel. There is specific guidance relating to offices and ICT (Information and Communication Technology) - Local Planning Authorities are advised to "adopt a positive, plan-led approach to identifying preferred areas and sites for B1 uses which are as far as possible highly accessible by public transport, walking and cycling. Businesses should make every effort by adopting travel plans to encourage car sharing and use of non-car modes of transport". The guidance continues by saying that the effects of ICT uses are difficult to predict, but can create opportunities to reduce the need for travel by flexible working patterns. Conversely it may also increase the distance between homes and places of work resulting in less frequent but longer journeys that may make less use of public transport.

PPS 22 (Renewable Energy) states that increased use of renewable energy resources is vital to facilitating the delivery of the government's commitments on both climate change and renewable energy.

PPS 23 (Planning and Pollution Control) advises that a number of matters should be considered when determining planning applications, including reductions in the need to travel, improvements to transport infrastructure, restoration and enhancement of habitats, the economic and wider social need for development, any impacts upon Air Quality Management Areas, and the need to make suitable provision for the drainage of water.

PPS25 (Development and Flood Risk) advises all regional and local planning bodies to appraise, manage and reduce flooding risks. In reducing flooding risk the use of sustainable urban drainage systems is advocated, as is the production of a surface water management plan for developments potentially affected by flooding. Authorities should work in partnership with the Environment Agency.

At the regional level, Regional Planning Guidance 13 (North West) became the Regional Spatial Strategy when provisions of the 2004 Planning & Compulsory Purchase Act were enacted. Regional guidance seeks to deliver sustainable outcomes for the region by steering development to the most sustainable towns and cities, making the most of existing and planned transport networks. There are a number of policies which are especially relevant to this application.

Policy DP1 states that proposals should make better use of land, buildings and infrastructure by reducing the need to travel and ensuring sites are genuinely accessible by public transport, walking and cycling. The sequential approach adopted should consider the use of existing buildings and infrastructure within settlements first, then the use of previously developed land within settlements, and finally the use of other land where this is well related in relation to houses, jobs and other services.

Policy SD8 stipulates that development should be of appropriate scale and nature in rural locations. Major built development should be discouraged, except where this would fulfil a significant regional or national need which cannot be met elsewhere.

Policy EC1 requires development plans to identify suitable employment sites which have the potential to promote clustering, take account of the sequential approach to site selection, reflect existing commitments, take account of the needs of business and communities, and promote diverse local economies.

Policy EC3 relates to knowledge-based industries and again says that these will be acceptable, in accordance with the sequential approach. Development plans should facilitate the development of sites with direct access to research establishments (e.g. universities) and priority locations will be in the main conurbations, or close to those centres of research, or within science parks. Sites should be well located in relation to transport infrastructure, especially public transport. Access to education, skills and training are key aspects of securing the development of this sector.

EC4 takes the clustering of knowledge-based industries further, and advises that provision should be made for networks based on ICT and, as a preference, be located near to higher education institutes, hospitals, research establishments or major-technology based businesses.

EC5 lists 11 Regional Investment Sites identified in the 2000 Regional Economic Strategy. Bailrigg was included in a list of 14 additional Strategic Regional Site designations in 2001, and is included in the updated 2006 Regional Economic Strategy. Again the policy says that, for reasons of practicality, sites should be in the proximity of higher education institutes, where appropriate. A further requirement is that sites should be capable of providing a good environmental setting.

EC8 concerns town centre development, but does contain a paragraph regarding the location of B1 uses. Office developments that generate a number of vehicle trips should be directed to suitable locations within or adjoining main city centres, and be near to public transport interchanges within those areas. Where capacity is not available in the centres the sequential approach should be followed.

Policy UR5 discusses existing commitments within development plans. It advises local planning authorities to ensure that land allocations provide for development to meet identified need only, and that the take-up of greenfield land is minimised. Employment land allocations are assessed in light of whether they provide for strategic investment which supports the Region's sectoral priorities and whether there are other sequentially preferable sites available.

The Draft Regional Spatial Strategy (RSS) for the North West is currently under review and is scheduled to replace the existing RSS when it is adopted later this year. Policy W2 of this emerging guidance is particularly relevant to the current proposal. It says that plans should encourage regionally significant economic development in a number of locations, one of which is 'South of Lancaster'. It continues by encouraging "knowledge nuclei sites focusing on knowledge-based sectors which require specific links to higher education institutions and research and development facilities...close physical proximity is desirable, however it is the links between the knowledge nuclei sites and key knowledge infrastructure

that are most important". The South Lancaster site will be one that has a recognised impact upon growth and development of the regional economy.

Policy CNL4 provides the overall spatial policy for North Lancashire and says plans should build on the strengths and opportunities offered by Lancaster University and the broad South Lancaster designation for knowledge-nuclei employment.

The Regional Economic Strategy 2006 is also relevant, but this is discussed in greater detail under the heading 'Economic Implications' later in this report.

The Joint Lancashire Structure Plan 2001-2016 provides both generic and more site-specific policies that affect the proposal. Policy 1 states that development should be located in key urban areas which are highly accessible and provide a sustainable form of development. A high-quality built environment is also a requirement. Policy 2 recognises Lancaster and Morecambe as the main focus for development within the district, whilst Policy 15 specifically identifies Bailrigg as a Regional Investment Site for knowledge-based industries.

Policy EC1 of the Lancaster District Local Plan 1996-2006 (LDLP) identifies the site as a Business Park for B1 (Business) employment use. Other relevant LDLP policies include EC5, which sets out the criteria for new employment development; EC8, which protects employment allocated land from non-employment uses; T2 which discusses new railway stations; T5 which recognises the A6 as a Primary Bus Corridor; T9 which encourages the use of public transport and more sustainable modes of travel; T16 which expresses the County Council's maximum car parking and cycle standards; T17 which requires the submission of a Travel Plan for all major proposals; and T24 which includes the Lancaster-Bailrigg Lane-University cycle route as part of the wider Strategic Cycle Network.

The LDLP also contains environmental policies that are relevant to the proposal. E4 identifies surrounding land and a small parcel of land within the application site at the north-eastern corner as a 'Countryside Area'; E6 advises that development affecting the best and most versatile agricultural land (including Grade 3a land found at Bailrigg) will only be permitted where significant economic benefits outweigh the loss of the land; Policy E7 sets out the criteria for development affecting watercourses such as Ou Beck at Bailrigg; Policy E12 seeks to safeguard existing habitats and encourage habitat creation; E13 is a generic policy aimed at protecting areas of woodland and significant trees; and E29 and E31 identify the University Campus as an Area of Urban Greenspace and of Key Urban Landscape.

Supplementary Planning Guidance Note (SPG) 5 was adopted in April 2002 and provides a Development Brief for the site. It states that the Council's vision is for an ICT-based investment cluster in South Lancaster. In delivering this site the key principles include a high-quality campus-style development, reinforcement of perimeter planting and retention of hedgerows where possible, the use of Ou Beck as a possible pedestrian route and an area for habitat creation, and the provision of improved cycle linkage to the existing route off Bailrigg Lane and connectivity through to the University.

Therefore despite the locational concerns that are discussed later in this report, there is support throughout regional and local planning guidance for a knowledge-nuclei based science park in the Bailrigg locality.

The Principle of Development and the Concept of a Science Park

The site was adopted as one of 25 Strategic Regional Investment Sites by the NWDA in December 2001. These sites intend to provide business growth opportunities and expand the North West's 'knowledge assets', which include universities and knowledge-based industries. They are critical to the implementation of the Regional Economic Strategy. This Strategy indicates that the sites in question should be brought forward as Regional Investment Sites via the planning process.

Bailrigg Science Park seeks to attract technology, research and development uses and develop integration with uses already at, or arising from, the University campus. Uses referred to in the supporting statement include IT, telecommunications, medicine, bio-chemistry, aerospace and business services. The success of the Park would therefore largely be determined by the promotion of the University linkage and effective marketing. Although the B1 Use Class allocation theoretically includes light industrial uses, it is envisaged that only high-quality B1 uses would be accommodated and that any light industrial activities would be ancillary to the high-technology uses. More general industrial activities or call-centre type office uses would undermine the regional significance of the site and weaken the reasons for its allocation.

SPG 5 stipulated that the City Council's preference would be for a mixture of plot and unit sizes for small, medium and large firms. However Paragraph 3.5 does indicate that should a suitable single occupier be found which met the requirements of the allocation, then this would be considered sympathetically.

Science Parks are generally more attractive in visual and environmental terms than industrial parks. They often include innovative building designs and attempt to utilise renewable technologies and sensitive landscaping wherever possible.

The Outline Proposal and the Phasing of Development

The 2005 illustrative masterplan has been withdrawn and has been replaced by a less specific site masterplan. However this plan still includes phasing arrangements, building parameters, approximate amounts of development and potential uses. Whilst there are no detailed proposals, the plans do conform to national guidance relating to the submission of outline planning applications published by the government in 2006. Once again the means of access is the only matter being applied for.

Phase 1 (Sector A) is located in the south-west corner of the site adjacent to the University sport pitches. It proposes the construction of an Innovation Centre, which will be the first building erected and will be operated by the City Council. It will be no taller than 3-storeys high with a maximum ridge height of 15m. Other structures could include laboratories and high-technology offices. The total amount of development is estimated at 9,320 square metres.

Phase 2 comprises 2 areas of land (Sectors B and C). Sector B is in the north-western corner of the site, adjacent to Bailrigg Lane and the A6, and will be similar in terms of uses and scale of buildings to Sector A, although it has a smaller floorspace figure of 6,350 square metres. Sector C will be bounded by Ou Beck to the south and two arms of the internal access road. The estimated building area is 6,810 square metres and again development will be either 2 or 3-storey in height.

Phase 3 has 3 separate Sectors (D, E and F) and these are perhaps the most sensitive areas of the development. That said, Sector D is one of the larger areas on the site and will have a potential floorspace of 8,110 square metres. Buildings at the eastern end of Sector D will be no taller than 2-storeys high, equating to a maximum of 12m at the ridge. The western end of Sector D will maximise the absence of adjacent residential property by retaining the potential for 3-storey buildings. Sector E is a smaller area of land bounded by Ou Beck to the north and west and landscape buffers to the west, east and south. It will accommodate innovation-type uses only with an approximate floor area of 2,920 square metres and will be 2-storey in height. Sector F is smaller still on the southern boundary and has an estimated floorspace amounting to 1,210 square metres. The presence of existing boundary landscaping allows the potential for 3-storey buildings at a height of no greater than 15m. Again only innovation-type uses are proposed.

In total the developed floor area is estimated at 38,910 square metres.

Vehicular access into the site will be via the A6 to the west and the proposed junction is similar in layout to the existing vehicular junction at Lancaster University. It will have traffic signals and a turning lane into the site from both the north and the south. An internal, four-armed roundabout will be centrally

located within the science park. Two new bus stops will be located on either side of the A6 close to the new junction.

Pedestrian and cycle access through the site is shown from the end of the existing cycle route on Bailrigg Lane, around the eastern boundary of the site, along Ou Beck and out towards the University at the south-western corner. The precise route of the cycle route is dependent upon integration with the University campus, and therefore the arrow shown in the south-western corner is only an approximate potential route to the Campus. If the development is approved it would be on the proviso that the pedestrian, cycle and structural landscaping areas are provided as part of Phase 1.

The masterplan is notable for the inclusion of structural landscaping zones, which will be free from development and will provide opportunities for intensive landscape screening. The zones are greater adjacent to the A6 and in the north-eastern corner of the site adjacent to Bailrigg Village. The landscaping area continues along the eastern boundary and a smaller strip of land in the south-eastern corner (where two of the protected trees are located) would also be landscaped. A much smaller building exclusion zone is shown on the northern boundary and it is envisaged that the hedgerow will be retained here.

The blue area shown on the plan does not reflect the width of Ou Beck; it indicates a much wider strip of land either side of the Beck considered to be necessary for areas for maintenance and zones which could accommodate wetland planting along its length.

Locational Sustainability Considerations

During the preparation of the RSS, the North West Regional Assembly commissioned a sustainability analysis of all 25 Strategic Regional Sites. This was undertaken by consultants in May 2002 and used environmental, economic and social criteria, in association with the Draft RSS policies at the time and the potential for deliverability of the sites. The benchmark figure was set at 40% and sites exceeding this figure were deemed to have passed the sustainability test.

The Bailrigg site scored just 40% on sustainability, 43% on compliance with regional policies and 57% in terms of availability and deliverability. This amounted to an overall average score of 47%, thereby exceeding the benchmark figure. This is not a high score and placed Bailrigg in 22nd place out of the 25 sites assessed. The sustainability score of 40% was significantly below the 63% average figure due to the loss of a greenfield site, the impact upon agriculture and the lack of a significant local workforce (which could result in attracting commuters from outside the district). The applicant believes that the low score was due to the narrow focus of the study and believes that greater weight should have been attributed to the close proximity of the University, which would have economic benefits.

National, regional and local planning policies are broadly similar in encouraging the use of previously-developed (brownfield) land before the use of greenfield sites. Regional planning policies are especially important when considering a site with regional economic importance such as this and Policy DP1 advocates the use of a similar sequential analysis to site selection. Policy SD8 also advises that major developments in the countryside should be avoided unless the need for development cannot be accommodated elsewhere. Whilst the Bailrigg site does not constitute 'wider countryside', it has a rural appearance and is probably best described as rural fringe land between the city boundary and the university.

In the Lancaster District it is generally accepted that there is an (employment) land supply currently in excess of the strategic requirement. Most of the existing employment land is located north and west of the River Lune and the applicant argues that this land is poorly served by public transport, or is inappropriate in terms of scale, or would fail to benefit from the close linkage to the University Campus that the Bailrigg site offers. Looking at sites within the City, it is clear that Lancaster Business Park would be contrary to PPG 4 because of its much closer proximity to the M6 Trunk Road, and the potential for queues developing on this motorway. There are sites that could potentially accommodate a science park in the Luneside West/Lune Industrial Estate area, but these have their own problems due to

poor highway access, the existence of current general industrial uses which would be contrary to encouraging a much higher environmental standard of design and layout, and the consequential traffic impacts upon the Air Quality Management Area declared around the gyratory network in the city centre.

There are other commercial/industrial sites in the district, for example industrial land towards Heysham/Middleton that constitutes previously-developed land. Whilst this area has better access to the port, it does not have the same level of bus service or convenient connectivity to the cycle network that Bailrigg offers. It is also significantly detached from the university, and this is one of the locational preferences reiterated throughout regional and development plan guidance. These existing employment areas also contain more general industrial uses that would conflict with the physical and visual aspirations of the Science Park.

The JLSP succinctly summarises the issue. Whilst Bailrigg satisfied fewer of the criteria listed in Policy EC5 of the RSS, it is in close proximity to the university, and any development should be closely linked to the higher education provider to compensate for the lack of development opportunities on campus, and to facilitate company formations arising from research at the university. In stating this case, the applicant suggests that some businesses within InfoLab21 on the south-east side of the University Campus would need to relocate to larger premises, and that the science park would offer accommodation to retain knowledge-based industries around the centre of learning. Whilst there is an opposing view that modern-day businesses can communicate via electronic technologies and that location adjacent to the Campus is not essential, all regional and local planning guidance confirms that a close geographical relationship is preferable.

The locational argument therefore rests upon whether there is an exceptional justification for siting a Science Park in this location as opposed to previously developed buildings and land. Individual development plans are not, by themselves, a basis for an exceptional approach, even though the site is allocated throughout relevant planning guidance. However the potential for stimulating economic growth and diversifying the district's employment sector is, in the view of the Local Planning Authority, likely to be greater due to its close location to the Campus. There are no other suitable sites within or south of Lancaster that would be able to deliver this benefit without having other detrimental impacts.

Site Layout, Design and Visual Amenity

SPG 5 is quite specific in stating that steel cladding and breeze block buildings will not be approved. It does not seek to impose a particular design style and suggests that buildings could mirror the style of the Victorian Filter House building on the opposite side of the A6, or take its cue from the better modern buildings within the University Campus.

Before discussing the details of the design statement, it is worth referring to Drawing H-1604-SK18 (P1), which indicates the proposed earthworks. The areas that are hatched are those where earth will be cut from. The areas marked in solid grey, which is effectively the whole site frontage and a strip of land to the south of Ou Beck, constitutes the areas where land will be filled to raise levels. The figures shown on the drawings indicate proposed plateau levels created by the cut and fill exercises. Therefore the site will slope from the east down to the site frontage at the west, and will generally slope from the north down to the south. The submitted drawings indicate that the level of the land currently rises from approximately 37m to a maximum of 46m in the north-eastern corner. Generally the proposed plateaued areas will witness land levels of between 40m and 44m.

The applicant has also produced a sectional drawing which indicate generic building shapes at 2 and 3-storeys in height, and relates them to the proposed structural landscaping, the existing highway network and the proposed plateau levels. Although the proposals are of course made in outline, it is still possible to gain an impression of the building scales and their relationships with the surrounding features. The sectional drawings indicate the importance of the structural planting zones around the perimeter of the development and the approximate site levels.

The amended scheme does not illustrate the precise siting of buildings. This is reasonable given that the end users (and their needs for space) are not yet identified. In the absence of a layout plan, a general design layout strategy has been established. This seeks to position landmark buildings at the entrance of the site, providing an attractive massing of structures along the A6 behind the structural landscaping. It is also a key principle to integrate buildings into the landscape, especially in the more sensitive areas towards Bailrigg Village and Ou Beck, and to position the buildings so that they can take advantage of renewable technologies.

The buildings are expected to be contemporary, with glass and a wide range of solid cladding materials envisaged. Stone, rainscreening, curtain walling, render and metal cladding are all mentioned. Roofing materials will vary but the design statement suggests that the "overall theme will be low pitched metal profiled cladding". SPG 5 indicates that steel cladding is not considered an appropriate material and any planning approval should make this quite clear. Colours are expected to be neutral, although entrance areas and building 'fins' may be more striking to promote visual interest. Whilst a colour strategy is important in protecting the landscape, more individual forms of colour and architecture should be considered on the more prominent buildings.

Public spaces will be created in "development clusters", along with a "focal community space" in the hub of the park. Ornamental planting, as opposed to the native structural planting on the peripheries, will be included.

The majority of the visual amenity objections to the 2005 plans concerned the siting of three expansive warehouse-type buildings in the north-eastern corner, closest to Bailrigg Village. The Local Planning Authority was of the view that, aside from the inappropriate warehouse use, the positioning of large, unbroken buildings in this corner would be unacceptable because of the detrimental visual impact that would ensue. The fixing of building heights at 2-storey only in the eastern corner respects the residential hamlet in a manner that the original proposal did not. The provision of a more curved landscaping barrier alleviates the visual concerns, as does the setting of the plateau levels.

A further positive arising from the redrafting of the masterplan is the much stronger landscaping belt across the western/A6 boundary. This replaces the areas of car parking proposed on the first masterplan, and is important in limiting visual impact from the A6.

In general the masterplan proposals represent an improvement over the original plan, and the design statement provides a series of principles that will be adhered to throughout building construction and open space provision. Without knowing the precise areas of car parking and building orientations, it is difficult to provide more detailed comment. However these are justifiable matters for future consideration at the reserved matters stage.

Highway and Transport Assessment

A revised Transport Assessment was compiled in January 2007 in an attempt to alleviate the concerns of the Highways Agency and the County Highways Department. The Assessment uses trip generation rates based on average trip rates for Science Park developments. It analyses existing traffic conditions, the addition of new traffic and the enhancement of other modes of transportation. It also assumes traffic growth to the Lancaster University Campus of 25% by 2021.

Vehicular access will be taken from a new junction on the A6. The signalised junction has turning lanes akin to those at the existing University junction, with separate lanes for through traffic. There would also be separate northbound and southbound lanes out of the site. The addition of MOVA technology would allow signal timings to respond to changing traffic conditions such as those experienced during peak-time traffic.

It is anticipated that 60% of the science park traffic would access/egress the site from/to the north along the A6. This estimate is based upon a broad assessment of the likely catchment areas.

The Assessment measures traffic in 2021 with and without the development. 2021 is chosen as the 'design year' because it is ten years after the expected opening of the science park. Traffic volumes are calculated in relation to two stretches of the A6; one from Hala Road to the application site, and the other from the opposite direction, from the Galgate/Stoney Lane crossroads to the site. From Hala Road during the morning peak, traffic volumes along the A6 are estimated to rise by between 34-39%. The return journey during the evening peak would see a rise of between 24-28%. From Galgate to the science park, traffic volume would rise by between 22-25% in the morning peak and by 21-23% during the return journey in the evening peak.

These figures are then assessed further in terms of their impacts upon key junctions. Volume on the single carriageway A6 outside the site junction is expected to increase to 2,973 vehicles per hour during the morning peak. This equates to an overall increase about 2021 base rate volume figures of 34.7%. Evening peak hour totals would be numerically greater (at 3,046 vehicles per hour), but the increase above current figures would be comparatively smaller at 26%. These high figures are to be expected, given that the proposed junction does not currently exist.

Of greater use is the traffic volume analysis at the other key junctions. In all cases the volume of traffic increase by between 8 and 18.3%. At the Hala Road (Booth's Supermarket) crossroad, traffic increases by 18.3% and 14.8% in the morning and evening peaks respectively; at the Galgate junction the increases are 14.9% and 11%; whilst at the A6/M6 Junction 33 roundabout traffic would increase by 11% and 8%. The University junction also, by default, witnesses increases in peak traffic at 11.9% and 9% respectively.

The applicant states that these are worst case scenarios and that the additional traffic can be accommodated on the network without a material effect on the operation of the existing and proposed junctions in the area, when compared to the background situation that would exist in 2021 without the development. The one exception is the northbound stretch of the A6 at the Hala Road junction (effectively used by vehicles travelling into the city). Queue lengths here would be excessive without the development traffic in 2021, and a highway solution to the lack in capacity should be sought irrespective of whether this development occurs. But if the science park is approved, the maximum queue length here could rise to 103 vehicles at evening peak.

The situation during the morning and evening peak along the A6 is problematic at present. Traffic tails back to the Junction 33 roundabout during the morning, and similar queues occur in the opposite direction between Galgate and Lancaster University during the evening. The single lane width of the Galgate crossroads and parts of the Hala crossroads are obstacles to free-flowing traffic along this stretch of highway. Whilst new MOVA technology to the signals would assist, it is by no means a panacea to the problem.

The impact upon the M6 is raised by the Highways Agency, who have placed a Holding Direction on the application in order that they can analyse the impacts further. This Holding Direction prevents the Local Planning Authority from determining the application in the favour of the applicant until it is lifted by the Agency. If this Direction remains in place then the application will not be presented to Members. Minutes of meetings between the applicant and the Highways Agency suggest that the Direction will be lifted before the committee meeting.

The additional traffic is, in the view of the Local Planning Authority, the most contentious issue associated with the scheme. Traffic levels will continue to rise on this stretch of road regardless of whether the science park is constructed or not, although the proposal will clearly exacerbate those volumes. At the time of drafting this report the County Highways Department does not support the proposal, although they recognise that the development is allocated in the LDLP. It is perhaps pertinent to mention that the County Council did not object to the site's allocation at the time of drafting the LDLP, and a highway objection based upon impacts at the Hala and Galgate crossroads would now

presumably similarly apply to any further major development at the University, or other significant proposals in the South Lancaster locality.

There is no explicit reference to car parking numbers in the submission, although figures of 800 parking spaces were referred to in the 2005 proposals. This figure was accepted by County Highways as being in accordance with parking standards, but the County Planning Department suggested that the figure should be reduced because of the good public transport and cycle network within the vicinity. The Local Planning Authority agrees that car parking should be limited wherever possible to promote sustainable modes of transport.

If Members are satisfied regarding all other elements of the scheme, but have concerns regarding the highway impacts, they have to consider whether the economic positives arising from the proposed use would outweigh the highway negatives. To that effect the measures contained in the applicant's Framework Travel Plan must also be taken into account.

Framework Travel Plan

The Framework Travel Plan (FTP) seeks to encourage more sustainable modes of transport to and from the site. In setting the Plan's aims and objectives the applicant has reviewed the current public transport, cycle and pedestrian facilities.

A number of bus services use the A6. During peak hours the number of buses per hour from Heysham to the university is recorded at 9, falling to 6 during off-peak times. In the opposite direction there are 5 services, reducing to 4 during off peak hours. The site is also served more infrequently by buses travelling to and from Preston.

There is of course no rail link to the university, although the concept of a rail station at Bailrigg was included in the previous Lancaster Local Plan. This is no longer allocated in the current LDLP, although the commentary to Policy T2 does state that "The scope for new stations on the West Coast main line is constrained by capacity issues at the present time, although if design, siting, funding and capacity constraints can be overcome, there may be opportunities for a station in the Bailrigg area". A bus service currently connects Lancaster University to St Martin's College and the railway station.

Pedestrian and cycle access to the site remains limited but would be improved by the continuation of the cycle network from its current termination point at Bailrigg Lane, through the application site along Ou Beck and potentially linking with a new cycle and pedestrian route to the university. Access to the A6 would also be improved by potential cycle provision, perhaps adjacent to the internal access roads.

The FTP contains generic targets based upon the proposed uses, the linkage to the university and the public transport connections that already exist. It envisages that 80% of journeys between the science park and the university would be undertaken on foot, by bicycle or by public transport. This is considered reasonable given the proximity between the two sites and perhaps should be the subject of an even more challenging target. A more ambitious target is the identification of a 40% figure for journeys to work to be made by public transport. Of the remaining 60% of car-borne journeys, it is suggested that 20% of these should be car-sharing trips.

In order to achieve those figures, a series of measures have been listed that would combine to create a detailed Travel Plan. It would then be incumbent on the local planning authority to impose a condition requiring a Travel Plan to be submitted and agreed, and for regular monitoring of its effectiveness by a range of bodies, including the local planning authority. The measures include obvious details such as publicising timetable information and public transport plans in all reception areas of the science park. More practical measures such as discounted public transport season tickets, cycle pools and linkages to minibus firms could all contribute, although these are only headline suggestions at the present time. Car sharing could be advocated through the Sharedwheels website used by the university with cash incentives for those who car share.

Whatever the proposals, it is clear that the FTP cannot be successful unless there is full integration with the university's own travel plans. This point has been emphasised by the Local Planning Authority throughout the application process. The FTP is still light in terms of how this would be achieved, although discussion has recently taken place between the applicant and the university with a view to developing joint targets.

A car parking management policy will be critical to the success of any travel plan and should be consistent with the university's own scheme. The applicant expects this to take the form of a permit system for employees of the science park and strict regulation of visitors. The system would have to prevent employees at the university parking their vehicles at the science park and then walking from there to the university. There are no details at this stage as to how this would be controlled.

The responsibility for implementation would rest with the science park management company. As a forerunner to this, a Travel Plan Steering Group is proposed which would comprise representatives of the management company and tenants of each unit, who would meet bi-annually and monitor targets via an annual questionnaire distributed to employees. It is the local planning authority's view that this alone would probably be inadequate in effectively monitoring travel habits, and annualised surveys/traffic counts would help to provide a clearer picture.

Whilst the FTP provides useful ideas, the absence of detailed integration with the university's travel plan prevents worthwhile expansion of those initiatives. It may be argued that this would be the role of a Travel Plan conditioned on any planning approval, rather than provided in detailed form at this outline stage. But further, earlier liaison with the university would have been advantageous in establishing firm proposals.

The Issue of Drainage and Flooding

Perhaps the most recurrent objection from local residents has concerned the potential for flooding from Ou Beck. Many of the objections refer to flooding in previous years due to capacity problems at the Beck. This is acknowledged in Paragraph 5.1 of SPG 5 where explicit reference is made to "existing capacity and flooding problems on Ou Beck upstream and downstream of the site affecting both property and land".

SPG 5 continues by stating that if surface water discharges are proposed to Ou Beck, developers would be required to carry out a catchment study to demonstrate the effect of the proposed discharge. It does not state that this has to be undertaken prior to the grant of outline permission, but clearly the details and the precise drainage solution would need to be in place (with written confirmation from both the Environment Agency and United Utilities) prior to the granting of any reserved matters consent.

The undulations of the site will invariably cause surface water run-off to Ou Beck and the applicant confirms that this will be discharged into the Beck via an "appropriate number of outfalls...in consultation with the Environment Agency". Surface water from car parking areas would pass through oil interceptors prior to discharge into the Beck.

SPG 5 indicated that the site should be drained on a separate system using a sustainable urban drainage system (SUDS). The applicant has confirmed in writing that separate SUDS-based foul and water systems will be designed in accordance with the requirements of United Utilities. This will include various forms of open and underground storage which will include infiltration trenches and balancing ponds. The precise scale and location of these measures is dependent upon the final layout but it is estimated that 40% of the required storage can be attenuated in an open water feature. Details would be provided at the reserved matters stage, should this application be successful. Responsibility for the maintenance of all open water features would rest with the developer. Foul water removal would ultimately connect to public sewers outside the site.

Because of the provisions of SPG 5, and in response to the residents' concerns regarding flooding, a condition will be necessary to further examine surface water discharge. This stance is agreed by the Environment Agency, who request that a Surface Water Regulation System be agreed and implemented prior to the approval of reserved matters.

Ecological Impact

The site does not have any statutory nature conservation or heritage status. A Screening Opinion was provided by the Local Planning Authority in January 2004 and advised that submission of an Environmental Statement (under the Environmental Impact Assessment Regulations) was not required.

Previous Environment Agency records have suggested that Pipistrelle bats may have been sighted. It is also possible that the site contains water voles or their habitats. Both of these are protected species.

The applicant undertook an Ecological Survey and Nature Conservation Assessment in January 2006. This was a requirement of SPG 5 and was conducted in consultation with English Nature, the Lancashire Badger Group and the Lancashire Wildlife Trust. The Survey concluded that there were no habitats or species of high ecological interest that would be affected. However due to the seasonal constraints of the timing of the survey a further Water Vole and Bats Survey was undertaken in May 2006. No bats or water voles were recorded. Some of the trees contained crevices that bats could theoretically use as habitats. Similarly, the watercourse could support water voles even though it is very shallow and has been trampled by sheep. It was recommended that fencing be provide on either side of the Beck to help regenerate the banks and encourage habitat creation, although this would have to be undertaken in consultation with the Environment Agency and the County Ecologist.

A further outcome was that any trees that have the potential to support bats should be retained. The Local Planning Authority had already served a Tree Preservation Order (No. 385) protecting three mature trees, one of which was located on the north boundary of the site (a Lime) to Bailrigg Lane and the other two (Horse Chestnut and an Oak) located on the southern side of Ou Beck. The hedgerow along Bailrigg Lane was also to be retained. These features will require protection during development. In addition a full tree and hedge survey would allow consideration of the detailed landscaping arrangements. A policy of 'no net loss' of hedgerow is to be maintained and the development would have to adhere to this principle. Ornamental planting will be provided around the buildings and in boulevards/courtyards, but a more natural landscaping approach is proposed in the most visual and sensitive areas of the site.

The provision of the afore-mentioned balancing ponds will contribute to the enhancement of aquatic habitats, whilst it is envisaged that new native planting around the perimeters and along Ou Beck will improve biodiversity within the application site. Detailed aftercare will be imperative and will comprise of replacement of any defective planting, maintenance of irrigation and wetlands and weed/growth control.

Many of the above measures would be most appropriately controlled by requiring the submission of a habitat management and creation plan, as requested by the County Ecologist. This is a justifiable planning condition.

Environmental Implications

The statutory consultees had not, at the time of compiling this report, referred to the Air Quality Management Area designation (AQMA) in Lancaster City Centre. If the applicant's transport assessment is accurate, then it is reasonable to assume that there will be an increase in vehicular movements through the city centre, although the amount of traffic would presumably be less than if a central site accessed via the gyratory system close to the AQMA had been the subject of the application (e.g. at Luneside).

Environmental impacts upon designated AQMA's are material considerations to the planning process. Siting development in locations which have a range of sustainably-accessible travel options have a key role to play. The application site is served by an appropriate bus service and will have excellent, off-road cycle and pedestrian linkage to the university and the south of the city. No AQMA-based objections are anticipated as a result.

There will of course be an increase in noise as a result of this development, but the proximities between the proposed buildings and existing dwellings appear to be acceptable and have not prompted environmental objections.

SPG 5 indicates that the science park should be "energy efficient, maximising passive solar gain, avoiding hillcrests and making maximum use of south-facing slopes". Again the outline nature of the application prevents detailed building designs, and there are no 'typical' details of proposed renewable technologies. The supporting statement pays lip service to solar orientation, the need to avoid low-angle daylight penetration and the need to reduce artificial lighting. Physical temperature controls as opposed to mechanical systems will be preferred, and these features could include solar-reflective glazing. Other measures such as high standards of insulation and a hydrology strategy protecting the local water cycle are referred to. Building materials will, wherever possible, be sourced locally and preference given to natural materials.

Whilst good lighting and signage will be important, these features should not be intrusive and would need to be indicated in detail in accordance with the Environmental Health Service.

Overall a 'good-to-excellent' BREEAM rating is the target for all development in the park. To aid this objective, the Local Planning Authority considers that a condition imposing a Renewable Energy Strategy document for the whole site should be imposed, if the application is successful.

A geo-environmental investigation and assessment was undertaken in July 2003 in respect of ground contamination investigation. Whilst this study determined the ground conditions at the time, it occurred some years ago and a land contamination study condition should be imposed on any planning consent.

Economic Implications

The Regional Economic Strategy (RES) provides the economic overview for the region. It recognises the diversification of business markets and the development of skills, infrastructure and employment opportunities as strategic objectives. However it does also state that job creation should target disadvantaged communities and locations, and South Lancaster does not fall within this category.

RES Action 80 is one of a number of actions that are seen as fundamental priorities for delivering the RES vision. Action 80 specifically refers to the delivery of the designated strategic regional sites as regional investment sites, knowledge nuclei or inter-modal freight terminals. By virtue of its close proximity to the University, Bailrigg is deemed to be an appropriate location for this 'knowledge nuclei' role. Policy W2 of the Draft RSS identifies South Lancaster as such a site.

The Economic Development & Tourism Service confirm that the site will represent the fulfilment of a long-term ambition to secure a site adjacent to the university capable of attracting knowledge-based businesses. The Lancaster & Morecambe Vision identifies the science park as the centrepiece of the district's knowledge economy and will enhance business creation, growth and inward investment by improving choice and availability of business space within the district.

In addition the NWDA's Demand Study concluded that Lancaster has a need to create employment with a "high value-added content". Moreover, the number of skilled people living in and around Lancaster is not commensurate with the number of high value-added jobs in the sub-region, strengthening the case for a specific knowledge-based initiative.

The planning application indicated a broad figure of 1000 new jobs. It goes without saying that this would be a substantial employment boost and will help retain graduates in the district by offering high-quality opportunities for 'start-up' and 'grow-on' businesses in innovative and wide-ranging fields.

SPG 5 confirmed the important role played by Lancaster University and St Martin's College which, when combined, could "form the basis of a regional ICT-based investment cluster". The creation of the Business Enterprise Centre at the university will develop the interface between small and medium businesses and the university itself. However the potential for growth could be lost unless the conditions are right to accommodate that growth in Lancaster.

Conclusions

The principle of the proposed development was established in the Local Plan. A science park within the district would provide a location for innovation, research and development that would be closely linked to existing facilities at the university.

Bailrigg is an identified Regional Investment Site. The JLSP states that all Regional Investment Sites should act as flagship developments for the North West, accommodating the needs of inward investment and indigenous businesses. Standards of layout design, building design, energy conservation, landscaping and quality of construction should ensure that the science park contributes positively to environmental quality. There should be a presumption in favour of innovative and quality architectural design solutions on all Regional Investment Sites.

These high standards should also apply to ecological issues. The requirement for a surface water regulation system in association with the Environment Agency should satisfy any concern regarding flooding to Ou Beck, whilst the provision of a buffer zone measuring 8m in width around the Beck will allow the habitat to recover from damage caused by livestock and the planting of dry and wet native species. The imposition of a Tree Preservation Order in 2005 illustrated the City Council's desire to retain key features of ecological importance within the site. A planning condition ensuring that there would be no net loss of hedgerows would also contribute to biodiversity. The inclusion of all these measures, and others through a Habitat Management and Creation Plan, will be an important condition of any planning permission.

The issue of location is one that has been the source of objection. But when other previously-developed options are considered, no other site provides the cumulative advantages of being in close proximity to higher education providers (especially the university); of enjoying current bus service linkage on a Primary Bus Corridor; of providing an excellent opportunity to extend the adjacent Cycle Network and thus also the potential to create a viable pedestrian route to residential areas in Lancaster and cycle/pedestrian linkage to the university; and of its location away from areas of general industrial activity which could adversely affect the high-quality environment required for knowledge-nuclei sites. The site is allocated specifically in the JLSP and LDLP, and South Lancaster is identified as a broader location in the Draft RSS. The loss of greenfield land resulted in a comparatively low sustainability/use of land score when surveyed, but compliance with the Regional Investment Site Analysis was still achieved in 2002 demonstrating that the site is sustainably acceptable.

The most considerable concern relates to highway and traffic impact. The traffic scenarios submitted are worst-case scenarios. The Transport Assessment indicates that volumes of traffic will continue to rise in the locality, but that these volumes will of course increase if the development is permitted. The matter that has to be determined is whether the highway capacity issues outweigh the positives associated with development of the site.

If the Highway Agency removes their Holding Direction, then they will be confirming that they are satisfied with the impact upon strategic highway issues. If the Direction remains in force, this application will not be considered at the March committee meeting. At the time of compiling this report, the removal of the Direction appeared to be connected to the implementation of MOVA signal technology to detect queue lengths and to assist in improved traffic flows.

This leaves the County Highways objection. They are clearly concerned about the impacts upon the Galgate and Hala junctions and are minded to oppose the development on highway capacity grounds. MOVA technology could be imposed but the County are concerned that additional developments would revert the situation back to current levels, which are still unacceptable. Consequently, it could therefore be concluded that highway objections would be likely for any future major development associated with the university or any other potential major development that requires access out from the south of the city.

National planning guidance is useful in considering this issue. PPG 4 encourages development in accessible locations where more efficient modes of transport can be used, and states that "this is particularly important in the case of "campus style developments such as science parks". It says that development should be discouraged where it would be likely to add unacceptably to congestion. PPG 13 also provides specific B1-use advice by saying that local planning authorities should "adopt a positive, plan-led approach to identifying preferred areas and sites for B1 uses" and should, as far as possible, be highly accessible by public transport, walking and cycling. It also acknowledges the role that businesses should make by adopting travel plans to encourage car sharing and use of non-car modes of transport.

This raises the issue of the Framework Travel Plan. There is worthwhile rhetoric but development of the travel initiatives could have been developed further by the applicant in discussion with the university. It is possible to make the grant of planning consent conditional on the provision of a strict Travel Plan with identified rolling targets, initiatives and monitoring.

It is worth mentioning that the phased nature of the science park will not suddenly mean a dramatic increase in traffic levels. The development will occur over a long, possibly 20-year period with the timescale being in line with anticipated demand. This phased approach provides a realistic opportunity for influencing travel behaviour at the earliest possible stage. Given that the site is in an area served by an appropriate level of public transport, and cycle and pedestrian linkages will be provided in the first phase of development, the local planning authority conclude that this is an acceptable site for a science park proposal, providing that a robust and exhaustive Travel Plan is required by planning condition and subsequently implemented.

There will need to be a wide range of highway and visibility improvements, most of which will be delivered under Section 278 of the Highways Act. Highway contributions will also be necessary to further improve public transport access, and these will be delivered by a Section 106 legal agreement in accordance with the County's Accessibility Questionnaire criteria.

The legal agreement is probably the most appropriate document to list the entry criteria for potential businesses. A planning condition can limit the use of the site to the B1 use class and prevent any retail operations, but the legal agreement would be compiled in association with the applicants and the Economic Development Service, and would seek to restrict entry by developing entry criteria, which could be potentially linked to ICT, research or other similar high-quality business collaborations with higher education providers.

Subject to these measures, and conditions considered appropriate to delivering a high-quality science park environment, Members are advised that the proposal to develop this Regional Investment Site can be supported.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **OUTLINE PLANNING PERMISSION BE GRANTED**, subject to the signing of a Section 106 legal agreement to address issues of public transport provision, site accessibility and the entry level criteria for businesses. The permission is subject to the following conditions:

1. Standard 3 years consent.
2. Submission of all other reserved matters .
3. Amended plans condition.
4. Development as per approved plans.
5. Use of the development to be restricted to B1 uses only, in association with the provisions of the entry criteria contained in the legal agreement.
6. Phasing of the development to be as per approved plans.
7. Notwithstanding the phasing plan, the Phase 1 of the development to include provision of the internal access road, all pedestrian and cycle linkage, all areas of structural landscaping and the provision of the vegetated buffer zone to Ou Beck.
8. Details of all external materials, including roof materials to be agreed and samples provided (but to exclude steel cladding).
9. Details of all surfacing materials to be agreed.
10. Provision of all off-site highway improvements in accordance with S.278 of the Highways Act, including the installation of MOVA technology to both the Hala and Galgate junctions; the necessary improvements to visibility; the provision of Quality Bus stops on both sides of the A6
11. Submission and agreement of a site-wide Travel Plan prior to the submission of a reserved matters application, to be implemented in stages prior to the first occupation of each phase of development
12. Submission of a separate car parking management strategy.
13. Details of all cycle parking and associated facilities to be agreed.
14. Submission and implementation of a Habitat Management and Creation Plan, including provision of new hedgerows on a no-net-loss basis, prior to approval of reserved matters.
15. A tree and hedgerow survey of the site to be submitted (including details of all species to be removed and retained).
16. Tree and hedgerow protection zones to be established during construction.
17. Submission of a Surface Water Regulation System to be submitted and agreed prior to approval of reserved matters.
18. Submission and implementation of a Renewable Energy Strategy prior to approval of the reserved matters.
19. Details of all street and building lighting, signage and signage lighting to be agreed.
20. Standard archaeological survey condition.
21. Standard land contamination condition.
22. As requested by consultees.

DECISION DATE 5 April 2007	APPLICATION NO. 07/00005/REM A18	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED RESERVED MATTERS APPLICATION FOR 8 STOREY RESIDENTIAL DEVELOPMENT (100 UNITS) WITH ASSOCIATED CAR PARKING AND LANDSCAPING		SITE ADDRESS KINGSWAY RETAIL PARK CATON ROAD LANCASTER LANCASHIRE
APPLICANT: Worksharp (Lancaster) Ltd Unit 2 Slaidburn Crescent Southport Merseyside PR9 9YF		AGENT: Turley Associates

REASON FOR DELAY

N/A

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION/DEPARTURE

The Lancaster District Local Plan identifies the overall Kingsway Site for a mixed use development incorporating uses such as business, retail, leisure and residential uses and is surrounded by the Caton Road/Back Caton Road Access Corridor.

STATUTORY CONSULTATIONS

County Archaeologist - No comment.

Environment Agency - No objection - condition requested re. flood evacuation plan.

County Highways - No objection subject to minor amendments and conditions.

Environmental Health Officer - No objection subject to existing outline condition being repeated.

Housing Policy Officer - No comment.

English Heritage - Have been involved in pre-application discussions and support this much improved proposal which will make a positive contribution to the character of the area.

Lancaster Civic Society - Objects - poor design and inappropriate form and materials - inadequate articulation of the main elevation, incongruous projecting balconies, lack of roofscope, lack of green space and detrimental impact on the Listed Building.

CABE - No comment.

Police - Development should achieve "Secured by Design".

City Contract Services - No comment.

County Planning - No response received.

OTHER OBSERVATIONS RECEIVED

Six letters have been received objecting to the proposal on the following grounds:

The eight storey building is completely incongruous and out of keeping with the character of the city and would seriously detract from all the fine work done in the city in recent years to enhance the built environment.

The building looks like a World War II fortification designed to discourage visitors to the city.

The building is too close to residential properties on Bulk Road and would be overbearing and un-neighbourly and would result in loss of privacy and amenity.

Lack of green space and loss of cherry trees, car park access for 100 cars will exacerbate congestion on Back Caton Road.

One letter has been received supporting the principle of the development but suggesting that a stronger feature is needed at the end facing down Caton Road and the top two floors should be stepped in, perhaps with a mansard roof, even at the expense of an extra floor.

A further letter from Councillor Whitelegg objects to the proposal briefly on the following grounds:-

- . Inappropriate scale and extended footprint;
- Threat to two mature cherry trees;
- Inappropriate location for residential developments in an area of poor air quality;
- Overlooking and loss of amenity to nearby residential property;
- Increased traffic generation and congestion.

REPORT

This site is the northern end of the Kingsway redevelopment site, previously the bus depot and now reduced to just its Grade II Listed facades on its western and northern frontages facing Caton Road and Back Caton Road respectively. Adjacent to the south side of the site lies the recently completed retail development containing PC World, while to the east across Back Caton Road lies a steep embankment and terraced two storey residential properties fronting Bulk Road. To the west, across Caton Road lies the river, embankment and riverside footpath/cycleway. To the north lies an extensive road junction area with a landscaped embankment to its east and an area of commercial/industrial development to its west.

Background

This site was previously the subject of one of three inter-related applications that covered the redevelopment of the northern end of the Kingsway island site, which were approved in May 2003 (03/01372/OUT). The other two applications related to planning and Listed Building issues concerning

the first phase of the redevelopment involving the retail and leisure developments on the sites of the former Kingsway Baths and Bridge Houses have now been implemented.

This outline approval related to the provision of 100 residential units and associated access and car parking, incorporating part of the Listed facade of the former Bus Depot.

A subsequent reserved matters application for the residential details for this site was made in June 2005, but this was later withdrawn following opposition from your Officers and a generally negative response from most quarters.

This was followed in August of last year by an application under Section 73 of the Town and Country Planning Act to extend the time period for the commencement of the development for a further three years. This application was approved in October.

Application Proposal

This proposal is a further application for the approval of the reserved matters for the development of 100 residential units with associated car parking and landscaping on this site. In this case the scheme involves an eight storey development forming a large U shaped block arranged around the outside of the site with the open end of the U facing the rear of the PC World building.

The lower part of the building (first 3 floors) would be contained behind and within the existing historic facades and a new brick wall of similar height closing the frontage to Back Caton Road. These would contain three floors of car parking on the Caton Road side of the building and the lower two floors of car parking on the Back Caton Road site, giving 100 spaces. The third floor on this side would contain the lowest seven units.

The remaining units would then all be contained in the main U shaped block which would sit on top of the Listed Structure, cantilevered and supported on legs and from their northern facade to form a semicircular facade, three storeys above the Listed Palisade wall which runs around the northern end of the site.

This main, upper element of the building would be five storeys high, flat roofed with an internal lightwell/atrium to provide light to the internally facing bedrooms. The fenestration would comprise a series of full height window stacks, reflecting the character of the Lancaster warehouse loading slots, interspersed with stacks of horizontal window slots of varying sizes and various depths of reveal to give contrast, movement and variety. The full height windows facing Caton Road would be provided with individual external balconies suspended conspicuously out from the wall.

This major element of the building would be faced in an impervious rainscreen cladding with a wood grain effect and a bright orange gold colour to compliment but exaggerate the warmth and texture of the local Lancaster stone and the materials of the Listed Structures below and around it. The internal elevations would be white render to reflect maximum light into the building. The small areas of brickwork to Back Caton Road and to the lower southern end of the building facing PC World would be dark blue engineering bricks to provide a contrasting face for the upper part of the building.

Vehicular access to and from the building would be from Back Caton Road as would the pedestrian and service entrances. Cycle storage for 28 cycles would also be provided.

Policy Position

The general policy issues associated with this development were considered at the time of the parent/outline permission. This application therefore relates purely to the design of the proposal and its issues of principle.

However, there are general design policies in the Lancaster District Local Plan which must be taken into consideration, particularly Policy H12 (Layout, Design and Use of Materials) which states that:

"Proposals for housing development will only be permitted which exhibit a high standard of design, layout and landscaping, which use materials and features which are appropriate to and retain the distinctive local identity of their surroundings.

The qualities of an outstanding scheme may exceptionally justify a design which does not retain or reinforce local distinctiveness. The merits of this must be presented in a written statement which accompanies the planning application".

Policy H13 (Sustainable Living) states that "Proposals for housing development will only be permitted where the Council is satisfied that full regard has been taken of energy efficiency and waste reduction and recycling considerations".

Policy H21 (Flat Development) underlines the need for self contained flat developments to be built to standards set out in Appendix 2 of the Local Plan.

The issues of principle in respect of the Listed Structure on this site have already been determined, however paragraph 5.7.14 of the Local Plan (Preserving the Setting of a Listed Building) states that "The City Council will seek to preserve the setting of Listed Buildings by applying appropriate control to the design of neighbouring development, the use of adjoining land, traffic management measures and the preservation of trees and landscape features.

Issues Arising

This site is and was always going to be a difficult site to redevelop for residential purposes, particularly once it contained Listed Structures. The site is to all intents and purposes the inside of a large traffic island and the outline consent accepted its development with 100 units. The reconciliation of these major constraints can only be successfully accomplished with adventurous design solutions.

This proposal is one such solution which seeks to reduce the height and mass necessary to accommodate such numbers by utilising the whole of the site area available. However, this can only take place above the Listed Structures which must be retained and visible and which this scheme does in its own particular manner.

Members should bear in mind that there may be many other design solutions to the development of this site with radically different forms to that currently submitted. Indeed the Lancaster Civic Society has submitted one such alternative solution which is available for Members to view on request.

The application before you at the present time is a contemporary solution which has been developed in consultation with your Officers and English Heritage and would create a landmark building statement at the principle entrance to the central area of the city in a position which would not conflict with the character or integrity of the city centre conservation areas. There are few, if any, other similar sites within the city where such a bold contemporary statement could be made with so little impact on either the historic environment or the character and amenities of the surrounding area. No doubt Members will have their own views on the quality and suitability of this proposal for this site. Further amendments to the elevation facing PC World have been requested and are anticipated in time for Committee.

In order to keep the overall height of the building as low as possible (25m 8 storeys), there is little opportunity for open space or landscaping. However, tree planting is proposed within the traffic islands of Caton Road and on the embankment to the east of them and a scheme is anticipated in time for Committee.

The proposal retains the vast majority of the Listed Structures on the site, but deliberately contrasts dramatically with them. However, some design queues are taken from the Kingsway frontage and the wall cladding is intended to reflect the colour and grain of the stonework.

The mesh around the northern end of the site is intended to restrict public access to the area under the superstructure and would be a fine stainless steel, unclimbable mesh, supported on stressed cables between the lower edge of the superstructure and the ground just behind the retained Listed palisade wall. This undercroft area would be illuminated at night to create a dramatic visual effect.

It is considered therefore that these proposals meet the design requirements of Policies H12 and paragraph 5.7.14 of the Local Plan and from this point of view can be supported.

Members will recall that at the time Outline Permission was granted, it was accepted that the extraordinary costs of developing this site with a landmark building were such that it could not also support the additional costs of the provision of affordable housing or a commuted sum in that regard. No such requirement was therefore imposed on the permission. Furthermore, the same view was taken in respect of a transport contribution and again no such requirements was imposed on the permission.

A detailed acoustic report has been submitted with the application and the final view of the Environmental Health Officer on this issue are awaited.

In terms of its impact on neighbouring amenities, the nearest dwelling on Bulk Road is 14m from the nearest point of the proposed development. However, the rear of the terrace is set about 45 degrees from the Back Caton Road facade of the development and rise steeply up the hill away from the proposed building. The building will undoubtedly be very large and dominant opposite the end of this terrace and will overlook it. But this will be reduced by the oblique angle of view and the rapidly increasing separation distances and floor heights of the terrace. A sun path analysis drawing submitted with the application in response to Condition No. 10 of the Outline Permission suggests that the only loss of direct sunlight as a result of shadowing by this development would be after 4.00 p.m. during the months of June-September. There will certainly be a significant loss of the view of the sky in a westerly direction from the rear of the terrace, but given the separation distances involved, it is not considered that there will be any significant loss of daylight. On balance therefore, it is not considered that the detrimental impact of this proposal on neighbouring residential amenities would be sufficiently severe to justify the refusal of this application.

In respect of Policy H21 (Flat Development), the views of the Council's Private Housing Officer are anticipated in time for Committee. Further information from the applicant regarding the issues of the sustainability of the building to meet the requirements of Policy H13 (Sustainable Living) are also anticipated in time for Committee.

Subject to the satisfactory outcome of the outstanding issues mentioned above, it is considered that the proposal meets the requirements of the relevant Local Plan policies, the original development brief for the Kingsway site and the current guidance set out in PPS1 (Delivering Sustainable Living), PPS3 (Housing) and PPG15 (Planning and the Historic Environment) and can therefore be supported.

It is however recognised that given the particular form of the proposal, Members may have their own views on the extent to which this design is appropriate to the Lancaster context in general and this location in particular.

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 satisfactory outcome of the outstanding consultations and the submission of final amended plans, **RESERVED MATTERS PERMISSION BE GRANTED** subject to conditions covering the following issues:-

1. Standard Reserved Matters permission.
2. Amended plans.
3. Development in accordance with approved plans.
4. Subject to all undischarged condition on 03/01372/OUT.
5. Details of the joint finishes and fixings of the external wall cladding to be agreed.
6. Details of the windows, reveals and balconies including finishes to be agreed.
7. Details of the internal amenity spaces to be agreed.
8. Landscaping and planting on site and off site to be implemented.
9. Details of the mesh screen to be agreed.
10. Car parking to be provided and retained.
11. Existing crossings and entrances to be closed.
12. Cycle storage to be provided and retained.
13. Flood evacuation and management plan to be agreed.

DECISION DATE 1 March 2007	APPLICATION NO. 07/00006/LB A19	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED LISTED BUILDING APPLICATION FOR EXTERNAL ALTERATIONS TO RETAINED FACADE AND OTHER ALTERATIONS IN CONNECTION WITH APPLICATION FOR THE ERECTION OF 100 RESIDENTIAL UNITS AND ASSOCIATED WORKS		SITE ADDRESS KINGSWAY RETAIL PARK CATON ROAD LANCASTER LANCASHIRE
APPLICANT: Worksharp (Lancaster) Ltd C/o Agent		AGENT: Turley Associates

REASON FOR DELAY

To co-ordinate with REM application

PARISH NOTIFICATION

N/A

LAND USE ALLOCATION/DEPARTURE

The site contains the Grade II Listed facades to the former bus depot.

STATUTORY CONSULTATIONS

County Archaeologist - No comment.

Environment Agency - No objection - condition requested re. flood evacuation plan.

County Highways - No objection subject to minor amendments and conditions.

Environmental Health Officer - No objection subject to existing outline condition being repeated.

Housing Policy Officer - No comment.

English Heritage - Have been involved in pre-application discussions and support this much improved proposal which will make a positive contribution to the character of the area.

Lancaster Civic Society - Objects - poor design and inappropriate form and materials - inadequate articulation of the main elevation, incongruous projecting balconies, lack of roofscope, lack of green space and detrimental impact on the Listed Building.

CABE - No comment.

Police - Development should achieve "Secured by Design".

City Contract Services - No comment.

County Planning - No response received.

OTHER OBSERVATIONS RECEIVED

Six letters have been received objecting to the proposal on the following grounds:

The eight storey building is completely incongruous and out of keeping with the character of the city and would seriously detract from all the fine work done in the city in recent years to enhance the built environment.

The building looks like a World War II fortification designed to discourage visitors to the city.

The building is too close to residential properties on Bulk Road and would be overbearing and un-neighbourly and would result in loss of privacy and amenity.

Lack of green space and loss of cherry trees, car park access for 100 cars will exacerbate congestion on Back Caton Road.

One letter has been received supporting the principle of the development but suggesting that a stronger feature is needed at the end facing down Caton Road and the top two floors should be stepped in, perhaps with a mansard roof, even at the expense of an extra floor.

A further letter from Councillor Whitelegg objects to the proposal briefly on the following grounds:-

- . Inappropriate scale and extended footprint;
- Threat to two mature cherry trees;
- Inappropriate location for residential developments in an area of poor air quality;
- Overlooking and loss of amenity to nearby residential property;
- Increased traffic generation and congestion.

REPORT

This application should be considered in association with application No. 07/00005/REM which appears elsewhere in this Schedule.

The comments in respect of this application are as set out in the report on that proposal and essentially have the support of English Heritage and the Council's Conservation Officer.

If the Committee is minded to support application No. 07/00005/REM therefore it is recommended that this application can also 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 subject to the satisfactory outcome of the outstanding consultations and the submission of final amended plans, **LISTED BUILDING CONSENT BE GRANTED** subject to conditions covering the following issues:-

1. Standard Listed Building Consent.
2. Amended plans.
3. Development in accordance with approved plans.
4. No demolition until a contract for the development of an approved re-development scheme has been let.
5. Detailed scheme of works for the retention and conservation of the Listed Building to be agreed and implemented.

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DECISION DATE 13 April 2007	APPLICATION NO. 07/00202/REM A20	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED RESUBMISSION OF 06/01197/REM FOR 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 LA2 6ND
APPLICANT: Time And Tide Properties Ltd C/o Agent		AGENT: Phillips Planning Services Ltd

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Object to development - copy of views 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 - query level of car parking at 100% - now improved to 133%.

United Utilities - Have withdrawn initial objections to the scheme - accepted they are committed to accepting sewerage from this scheme.

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

Archaeological Unit - Survey required - see conditions.

Conservation Officer - Has been involved in negotiations re. detailed design - considers amended scheme acceptable subject to conditions.

OTHER OBSERVATIONS RECEIVED

See attached history report for a summary of objections to previous application.

Since the application was re-submitted, 77 letters and e-mails have been received raising various objections and concerns. Many of the letters raise concerns about the development of the site as a whole and the following list can be taken as indicative of the objections to both 07/00202/REM and 07/00037/REM:-

- Design of building is inappropriate to this riverside rural location/"blot on the landscape".
- "Cheap and nasty" more appropriate to urban setting.
- Flood risk.
- Increased highway dangers.
- Planning Department/Committee should not have allowed development. "Parish Council has not been listened to".
- Materials - stark white render inappropriate.
- Does not accord with Parish Plan.
- Strain on infrastructure, roads, school services.
- Will produce too many cars.
- Light pollution.
- Existing businesses have been lost.
- Density too high.
- No proper affordable housing.
- Does not accord with original permission.
- Does not accord with the Local Plan - not employment led.
- Development has been piecemeal - not comprehensive as required.
- Pedestrian crossing needed.
- Threat to local services.
- Council should control development - not be led by developers, whole scheme should be revisited and permissions reviewed/threat to emergency service provision/will lead to increased community/environmental impact and threats to protected species of bats and otters/landscaping must be improved/waste disposal needs to be taken into account/no thought for community facilities especially for youths/proposal does not conform with National or Local policies/concern that no Environmental Impact Assessment required.

REPORT

Background

Members will recall that at the Committee meeting in January they considered two applications for apartment blocks on this developing site at Halton Mills. This followed a Committee site visit a week earlier. There were strong representations against both schemes, both at the site and the Committee meeting from representatives of the Parish Council and local residents.

Following lengthy consideration, Members instructed Officers to arrange a meeting with the developers, Time and Tide and their representatives, representatives of the Parish Council and Planning Committee together with Officers to see if some measure of agreement could be negotiated.

That meeting took place in Palatine Hall on 31st January. Councillors Mrs. Quinton and Mrs. Chapman were present. It was a wide ranging debate which included detailed discussions regarding the current applications as well as on the developers future intentions for the remainder of the site. Agreement was reached that the Parish Council would be involved in discussions regarding future proposals.

In respect of the two current applications, it became clear that there was little common ground, the Parish Council clearly felt the scale of the development was over intensive and inappropriate and the design was out of keeping with the village traditions. The developers argued equally strongly that a modern design and approach was the right one but using traditional materials.

There was less dispute regarding the design of the 33 unit block (application No. 07/00037/REM) and this is fully dealt with in subsequent report Agenda Item 21. With regard to the 36 unit block (application No. 06/01197) the developers announced at the end of the meeting that they intended to appeal with immediate effect against non-determination of this application as it had exceeded the requisite determination time. However, they proposed to re-submit an amended scheme which they hoped would meet some of the Parish Council's concerns. The current application for today's consideration is that re-submitted scheme. The developers have subsequently indicated that they would probably withdraw their appeal if this application was successful. The Parish Council's views on the amended scheme are attached.

The Current Application

Copies of the earlier Committee report are attached in order to ensure Members are fully aware of detailed background to the development proposals and the policy framework. Following the meeting the applicants have also produced a detailed phasing plan for the remainder of the site and this will be referred to at the Committee meeting.

The revised submission is a reworked version of the original and is similar in many respects. Members will recall that this was for a 3 storey apartment block comprising 36 two bedroom units with access road, car parking and landscaping together with the continued provision of a riverside walk. The walls are ashlar stone under a slate roof with a repetitive rhythm of door and window openings in a traditional mill style, although the overall style is uncompromisingly modern in appearance. The building occupies the same footprint and has the same internal and external layout as the earlier submission.

While unprepared to completely redesign the scheme to meet the Parish Council's main criticisms the developers have attempted to reduce the scale and impact by utilising part of the roofspace to accommodate the third floor. Plans will be displayed at Committee to highlight the differences. The overall effect is to reduce the height by some 2 metres, while the introduction of dormer type roof projections "breaks up" the mass of the elevation producing a more interesting visual appearance to the scheme. Members will be able to judge this themselves.

Forty eight car parking spaces are provided to the front and in a separate parking court to the side. The tree and riverside frontage is retained.

Considerations

This is a reserved matters submission and the policy position is already clearly established. Members are already aware of the substantial opposition to the scheme from within parts of the village and this is emphasised by the many letters of objection which have been received since the last meeting. These are summarised at the front of the report. As can be seen, many of these raise objections to the principle of the development and express concern that the development is not 'employment led' as required by the Local Plan allocation. Clearly it is too early to judge these issues at this stage. The applicants phasing plan when implemented indicates that the later phases should produce opportunities for additional job creation. Committee and the Parish Council have long been aware that a proportion of residential development was inevitable to "pump prime" the scheme and a proportion of this would have to be 'the early stages of the scheme to cover the significant development costs'.

It must be emphasised that this is a reserved matters submission which must be determined on the acceptability or otherwise of the layout, elevations, parking provision, landscaping etc. If Members share residents concerns over the detailed design that is quite appropriate but it would be inappropriate to introduce matters of principle at this juncture.

Conclusion

The scheme has been the subject of lengthy discussions with Officers, including the involvement of the Council's Conservation Officer. Both Officers and Committee have in considering earlier schemes accepted that there was scope for a modern approach in this riverside setting, slightly detached from the village. In Officers views, the modest amendments have further improved the appearance of the scheme while reducing its impact. It is therefore considered that this scheme 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 **PERMISSION BE GRANTED** subject to the following conditions:-

1. Amended plans.
2. Landscaping details including the provision of public open space and a riverside walk to be agreed.
3. Measures for protection of protected trees to be agreed and implemented.
4. Samples of external materials to be agreed.
5. Details of rainwater goods, windows and doors to be agreed.
6. Archaeological survey to be carried out.
7. Car and cycle parking to be provided before any units occupied.
8. Floor and surrounding site levels to be agreed.
9. Details for refuse storage to be agreed and provided.
10. No dwelling to be occupied until new industrial access road completed and Mill Lane upgraded.
11. Overflow visitor car parking to be provided if necessary and subject to management agreement.

Note The applicants attention is drawn to the conditions attached to the 'parent' consent and the provisions of the related Section 106 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.

HALTON WITH AUGHTON PARISH COUNCIL



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

1 March 2007

Dear David

RE: PLANNING APPLICATIONS 07/00202/REM and 07/00037/REM

The Parish Council feel that having tried over the last few months to achieve some sort of compromise with the architects modern designs, height and density of the buildings and the token gesture of the developer to reduce the height to 2.5 stories we have now reached a total impasse.

We feel that the architect's modern interpretation of vernacular is not in keeping with the design standards called for within the Halton with Aughton Parish Plan and most importantly the Parish's aspirations for the village.

Parking arrangements on application 07/00202/REM do not appear to conform to standard.

Glazing on the Mill Lane side on both applications is totally unacceptable and will create light pollution in this environmentally sensitive area.

Despite many promises, to date we have seen no offer of any business led opportunities on this site and therefore it is with regret that we must object most strongly to this application.

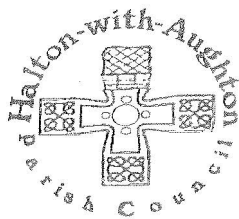
This is not what the people of Halton wish to see in their Parish as is demonstrated by the recent formation of the Halton Group for Responsible Development.

We feel that until some significant changes to the detail design which more accurately reflect the adjacent conservation area and local building style, together with reduced density and plans to bring the development in line with the District Local Plan – especially the need to be "employment led" the Parish Council will continue to object to any further development.

Yours sincerely

CAROL SLINGER
Clerk to Halton with Aughton Parish Council

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 9 April 2007	APPLICATION NO. 07/00037/REM A21	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED RESUBMISSION OF APPLICATION NUMBER 06/01196/REM FOR RESERVED MATTERS FOR THE ERECTION OF AN APARTMENT BLOCK COMPRISING OF 31 TWO AND 2 ONE BEDROOM UNITS (33 TOTAL) WITH ASSOCIATED PARKING AND SERVICING		SITE ADDRESS HALTON MILL MILL LANE HALTON LANCASTER LANCASHIRE LA5 8EU
APPLICANT: Time And Tide Properties Ltd The Forge Mill Lane Halton Lancaster LA2 6ND		AGENT: Phillips Planning Services Ltd

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Object to the scheme - a copy of their views is appended to the report.

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 objections but query level of car parking - now increased to 130%.

United Utilities - Have withdrawn objection - accept that they are committed to accepting sewerage from this scheme.

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

Archaeological Unit - Investigation required.

Conservation Officer - Has been involved in negotiations re. detailed design - consider amended scheme acceptable subject to condition.

OTHER OBSERVATIONS

See list included in previous report.

REPORT

Background

This report needs to be considered in conjunction with the report on the preceding item (Agenda Item A20) as this proposal deals with the apartment block development for the other part of the Halton Mills site referred to in that report. Although the applicants had withdrawn the earlier application on this part of the site (06/01196 recommended for refusal at the December meeting), they have subsequently replaced it with the current submission and Committee made it clear at the January meeting that they wished for the proposals for both parts of the site to be the subject of the Working Group discussions. A copy of the report for the original application (06/01196) is appended for Members fuller information.

As mentioned in the previous report, the proposals for this part of the site occupied a relatively small part Working Group considerations. Although it was clear that the Parish Council did have concerns regarding the scale of the development and the modern design approach adopted, it did not raise the same level of objections as the other block and the overall concern at the sites development. The final views of the Parish Council had not been received at the time of this report was drafted but it is hoped they can be appended before it is issued.

The Current Application

This re-designed re-submission takes account of many of your Officers earlier objections to the original withdrawn scheme.

The proposed new building occupies that part of the site previously occupied by the Great Lakes Chemical Works, it comprises a 2/2½ storey block containing 31 two bedroomed and 2 one bedroomed apartments with ashlar stone walls all under a slate roof. Again a modern approach is taken to the overall design, especially in terms of fenestration details, balconies and door and window openings. The corner block is 2½ storeys reducing to 2 storeys along the Mill Lane frontage, closer to the village centre and within the Conservation Area. On the riverside frontage an understorey of car parking is provided together with a small residents car park. This is mounded and screened from the riverside. As before provision is made for the continuation of the open space and the riverside walkway originally envisaged. Overall if the modern design approach to the development of this site is accepted, it is considered this development complements the other buildings, both existing and proposed at the site.

Consideration

As with the previous application, a considerable number of objections have been received from local residents. These are detailed in the previous report and raise many issues regarding the existing approved development, the principle of allowing development in this location in addition to design and amenity issues. Members are reminded again that this is a reserved matters submission whereby it is quite appropriate to consider detailed matter of design, scale, layout and landscaping but not to introduce objections based on matters of principle.

Your Officers consider that the scheme has been significantly amended and improved since the original submission was recommended for refusal and a conditional approval is now appropriate.

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. Permission relates to approved plans.
2. Landscaping details, including provision of public open space and riverside walkway to be agreed and provided.
3. Measures for protection of protected trees to be agreed and implemented.
4. Samples of external materials to be agreed.
5. Car and cycle parking to be provided before any units occupied.
6. Floor and surrounding site levels to be agreed.
7. Details for refuse storage to be agreed and provided.
8. No dwelling to be occupied until new industrial access road completed and Mill Lane upgraded.
9. As required by consultees (if any).

Note The applicant's attention is drawn to the conditions attached to the 'parent' consent and the provisions of the related Section 106 Agreement.

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ENCLOSURES FOR A21

DECISION DATE 29 December 2006	APPLICATION NO. 06/01196/REM A19	PLANNING COMMITTEE: 18 December 2006
DEVELOPMENT PROPOSED RESERVED MATTERS FOR THE ERECTION OF AN APARTMENT BLOCK COMPRISING OF 31 TWO AND 2 ONE BEDROOM UNITS (33 TOTAL) WITH ASSOCIATED 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 - comment 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 Highways - No objections in principle subject to provision of cycle parking but query level of car parking - 150% usually required.

United Utilities - Raise objections 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.

See previous report application no. 06/01197 similar objections and concerns are raised in respect of this proposal.

REPORT

Background

As with the previous application (06/01197/REM) this is a reserved matters submission for the final part of the development site approved under the original outline submission for the western end of the Halton Mills site. The background detailed under the previous report is equally applicable to this development proposal and Members are therefore requested to bear this in mind in considering this proposal also.

Development Proposal

This proposed development scheme is also for an apartment block, comprising 33 units in total, mainly 2 bedroom. The site is located at the western end of the development closer to the core of the village and partially within the village Conservation Area. The development comprises a mix of 2.5 and 2 storey development. As originally submitted it was entirely unacceptable but following negotiations it has been completely redesigned and follows a similar approach to that considered on the previous application. As amended it comprises traditional stone and slate external materials with familiar Lancaster District characteristics but with a modern approach to windows, doors and entrances to give it a contemporary feel. As a building block the design is now considered to be acceptable.

However, the developers have failed to deal with concerns regarding the overall layout and provision of satisfactory car parking facilities. Initially these were all located in a linear fashion around the perimeter of the building facing onto the access road. This was considered to be unacceptable in visual terms. The alternative to locate a large open car park on the riverside elevation was both visually unacceptable and prejudiced the route of the proposed riverside walk. Following further discussions it is clear the applicants do not consider these concerns to be justified, arguing that the car park will have little visual impact. The application must therefore be considered as submitted. On this basis, it has been concluded that the development is over intensive for the site as it fails to make satisfactory provision for off street car parking and the arrangements as proposed are visually unsatisfactory and detrimental to the visual amenity of this attractive riverside site.

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 reasons:-

1. The development is over intensive, failing to make satisfactory provision for off street car parking and the arrangements as shown are detrimental to the visual amenity of this attractive riverside site.
2. Development in the manner proposed would prejudice the satisfactory provision of a riverside walk as required under the terms of the original outline permission.

HALTON WITH AUGHTON PARISH COUNCIL



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David Hall
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Palatine Hall
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LA1 1PW

1 March 2007

Dear David

RE: PLANNING APPLICATIONS 07/00202/REM and 07/00037/REM

The Parish Council feel that having tried over the last few months to achieve some sort of compromise with the architects modern designs, height and density of the buildings and the token gesture of the developer to reduce the height to 2.5 stories we have now reached a total impasse.

We feel that the architect's modern interpretation of vernacular is not in keeping with the design standards called for within the Halton with Aughton Parish Plan and most importantly the Parish's aspirations for the village.

Parking arrangements on application 07/00202/REM do not appear to conform to standard.

Glazing on the Mill Lane side on both applications is totally unacceptable and will create light pollution in this environmentally sensitive area.

Despite many promises, to date we have seen no offer of any business led opportunities on this site and therefore it is with regret that we must object most strongly to this application.

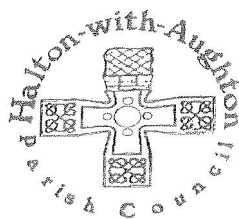
This is not what the people of Halton wish to see in their Parish as is demonstrated by the recent formation of the Halton Group for Responsible Development.

We feel that until some significant changes to the detail design which more accurately reflect the adjacent conservation area and local building style, together with reduced density and plans to bring the development in line with the District Local Plan – especially the need to be "employment led" the Parish Council will continue to object to any further development.

Yours sincerely

CAROL SLINGER
Clerk to Halton with Aughton Parish Council

HALTON WITH AUGHTON PARISH COUNCIL



C/O C. Slinger
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Halton on Lune
Lancaster
LA2 6PT

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Email: carol.slinger@hotmail.co.uk

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

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DECISION DATE 24 April 2007	APPLICATION NO. 07/00044/FUL A22	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED ERECTION OF NEW VILLAGE HALL		SITE ADDRESS GALGATE CRICKET CLUB PAVILION MAIN ROAD GALGATE LANCASHIRE
APPLICANT: Ellel Parish Council Clerk To The Parish Council – Mrs L Hargreaves 35 Leachfield Road Galgate Lancaster LA2 0NX		AGENT:

REASON FOR DELAY

N/A

PARISH NOTIFICATION

Parish Council is the applicant.

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - The site is within a Countryside Area, adjacent to the Lancaster Canal which is identified as an Informal Recreation Area.

STATUTORY CONSULTATIONS

County Highways - Observations awaited.

Environment Agency - Holding objection on flood risk grounds - final observations awaited.

OTHER OBSERVATIONS RECEIVED

No representations have been received from the general public in respect of these proposals.

One letter has been received on behalf of the adjacent land owners objecting to the creation of new pedestrian links directly between the sports field and the village across their land.

REPORT

This site is located within the existing sports field to the south of the village of Galgate. The site is currently occupied by a small cricket pavilion. To the west lies the cricket ground with the River Conder and open fields beyond. To the north lies the tennis courts and bowling green surrounded by open fields and allotments. To the east lies the football ground with the Plough Inn, 6 terraced houses, the A6 and the west coast main line embankment beyond. To the south lies the Lancaster Canal with open fields beyond. At present the site is only accessed from the A6 adjacent to this between the terrace of cottages and the pub car park.

The proposal is a full application to demolish the cricket pavilion and to erect a new multi purpose Village Hall to replace the existing facility in Stoney Lane. The building would cover an extensive footprint but would include separate facilities for the whole range of community and sports activities. The main central hall would accommodate a badminton court and have associated stage, bar, kitchen and storage facilities. The northern end of the building would house day nursery and youth group facilities, while the southern end would accommodate changing rooms, sports/social club, adult education and community meeting rooms. Viewing areas would be located along either side of the main hall facing out over the cricket and football pitches respectively. The total floor area being 1100 sq. m and overall dimensions being 55m x 30m x 9m.

Architecturally, the building design is modern, functional and typical of such facilities with large glazed areas. The materials would be brick and render walls under tiled roofs, all to be agreed at a later date.

The sports ground contains adequate spaces for vehicle parking and proposed vehicular access improvements can satisfy normal highway requirements.

It is considered therefore, that in principle this proposal does not raise any significant land use issues and the general principle is one which the local authority would wish to support.

There is however an outstanding issue in respect of the flood risk from the River Conder since the building would be located just within its flood plain. However, it is anticipated that the Parish Council will have satisfied the Environment Agencies concerns before Committee.

The major outstanding issue is pedestrian access. At the present time this can only be achieved from the A6. There is no footpath on the west side of the A6 through the bridge under the railway embankment. This means that all pedestrian access from the village must cross the A6 on the village side of the embankment, pass under the bridge on a footpath of substandard width, and then cross back over the A6 from a point on the inside of a bend where visibility in both directions is poor and where traffic speeds, outside rush hours, can be significant.

Little can be done to improve these conditions other than the erection of railings on the east side of the A6 to restrict the crossing points to the least unsafe points on the road and to improve safety under the bridge, together with non-statutory signs warning drivers of potential pedestrian movements. These could be provided by the Parish Council as part of the scheme.

Of much greater benefit would be the two new alternative pedestrian access proposed by the Parish Council to link the sports ground directly with the centre of the village under the viaduct and also with Vernon Close via a new footbridge across the River.

The first of these (Option A) is the one which would provide the most direct and functional option to the A6 route and the only one likely to be used by residents to the east of the railway as a voluntary option to the A6 route. It is the highway authorities view that the development should not proceed unless this particular pedestrian access route can be established.

The second alternative access route (Option B) would provide a practical alternative route for the western half of the village only. Although this in itself would considerably reduce the pedestrian volumes needing to use the A6 route and thus significantly reduce the additional highway safety impact of the development. Both of these alternative access options lie outside the Parish Council's ownership and the owner's representative has indicated that negotiation regarding Option B might be possible, Option A would not be entertained. It is considered that the issue of pedestrian safety is one of paramount importance. Discussions with the Council's Legal Officer have concluded a Grampian Condition requiring the provision of appropriate alternative access before any development is commenced would be legal and justifiable because there is no certainty that such an access would continue to be denied in the future.

In these circumstances therefore, it is considered that subject to the views of the Environment Agency, this proposal can be supported subject to the provision of appropriate alternative pedestrian access, preferably including Option A and to the provision of guard rails to the footpath on the east side of the A6.

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.

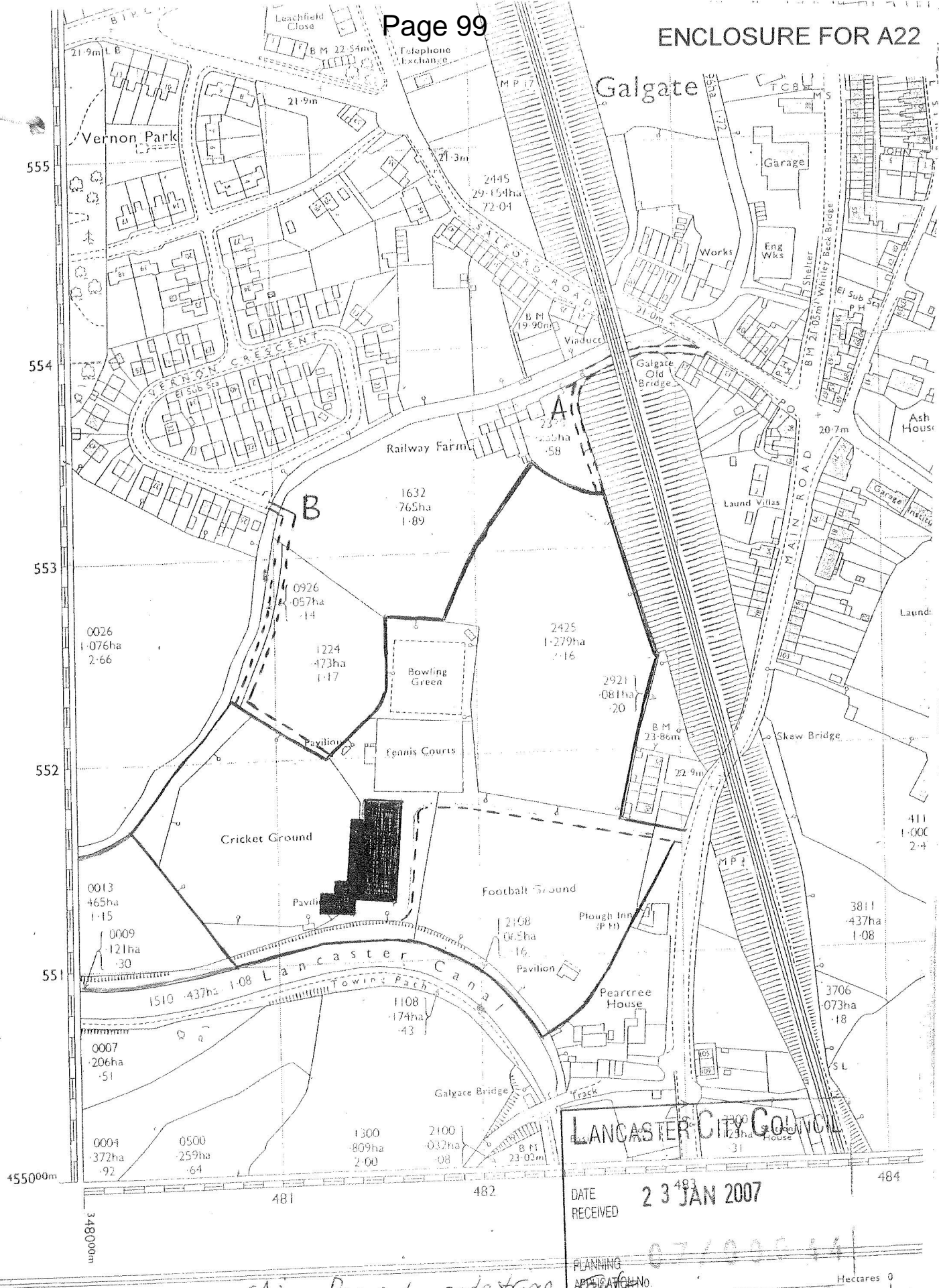
RECOMMENDATIONS

That subject to the views of the Environment Agency, **PERMISSION BE GRANTED** subject to the conditions covering the following issues:

1. Standard full permission.
2. Development in accordance with approved plans and details.
3. No development to be commenced on site prior to appropriate alternative pedestrian access rights in accordance with the submitted proposals being secured.
4. Development not to be brought into use until the access/s above have been provided in accordance with a detailed scheme to be submitted to and agreed in writing by the local planning authority.
5. Pedestrian guard rails to the east side of the A6 to be provided before use.
6. Vehicular access and passing places to be improved in accordance with submitted scheme.
7. Use of the building to be for the purposes indicated in the application unless agreed in writing.
8. Details of the external materials to be agreed.
9. As may be requested by outstanding consultees.

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SD 4655-4755



(A) = Proposed pedestrian route
 (B) = Alternative pedestrian route

Levelled 1960, 61
 Boundaries May 1970

BH.....
 BM.....
 BP.....
 BS.....
 C.....

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DECISION DATE 21 March 2007	APPLICATION NO. 07/00097/LB A23	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED LISTED BUILDING APPLICATION TO DEMOLISH PARTITION WALLS TO CREATE CUSTOMER SERVICE CENTRE		SITE ADDRESS TOWN HALL MARINE ROAD EAST MORECAMBE LANCASHIRE LA4 5AF
APPLICANT: Lancaster City Council Town Hall Dalton Square Lancaster LA1 1PJ		AGENT: 2020 Liverpool

REASON FOR DELAY

Not applicable

PARISH NOTIFICATION

Morecambe Neighbourhood Council - No observations received

LAND USE ALLOCATION/DEPARTURE

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

STATUTORY CONSULTATIONS

None.

OTHER OBSERVATIONS RECEIVED

None received at the time this report was prepared.

REPORT

Morecambe Town Hall is a Grade II Listed Building. It was completed in 1931 and was listed in November 2001. The listing description notes that original interior fittings survive throughout the building, including the panelled doors and light fittings.

The application is for Listed Building consent for internal alterations. These alterations will involve the demolition of a number of partition walls to create an open plan reception and customer service area. None of the proposed works will affect the external appearance of the building.

In terms of related policies, Policy E33 of the Lancaster District Local Plan states that internal alterations to a Listed Building, which would have an adverse effect on the special architectural or historic character or interests of the buildings or their surroundings, will not be permitted.

However, it does mention that some new alterations that may contribute to the future viability of the building should not be discounted.

As the alterations are only internal and do not affect the features of the original entrance or reception area they are considered not to have an adverse effect on the character of the Listed Building.

Members are recommended to grant consent.

HUMAN RIGHTS IMPLICATIONS

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

RECOMMENDATIONS

That the applicant be referred to Government Office North West with a recommendation that **PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard three-year condition.
2. Development to be carried out in accordance with the approved plans.
3. Any original doors or light fittings removed shall be retained for use elsewhere in the building.

DECISION DATE 27 March 2007	APPLICATION NO. 07/00078/DPA A24	PLANNING COMMITTEE: 19 March 2007
DEVELOPMENT PROPOSED WIDENING OF FOOTPATH AND CONSTRUCTION OF SHARED CYCLE AND FOOTWAY AND CONSTRUCTION OF HUMPED CROSSING WITH PRIVATE VEHICULAR ACCESS		SITE ADDRESS PAVEMENT AT HILMORE WAY MORECAMBE LANCASHIRE
APPLICANT: Lancaster City Council Town Hall Dalton Square Lancaster LA1 1PJ		AGENT: Engineering Services (Gary Bowker)

REASON FOR DELAY

N/A

PARISH NOTIFICATION

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

LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - No specific allocation but lies alongside the route of the Strategic Cycle Network.

STATUTORY CONSULTATIONS

County Highways - Views awaited.

OTHER OBSERVATIONS RECEIVED

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

REPORT**Site and its Surroundings**

The application site is located alongside Burger king at the junction of Central Drive and Hilmore Road (the access road leading to Morrison's). The site comprises the existing tarmacadam footway and a section of the grassed landscaped area between the carriageway and the Burger King complex. The land immediately to the south contains a further grassed landscaped area and the end of the Morecambe to Lancaster cycleway.

The Proposal

The current proposal seeks to create a separate cycleway by widening the existing 2.0m footpath link to 3.0m wide tarmac plus a 0.25m safety 'textureflex' strip alongside the carriageway for safety. The increase in width is accommodated within a grass landscape area running around the boundary to Burger King. Some minor trimming of existing shrubs will be required together with the repositioning of a low timber boundary rail and a lamp column. A road hump will be developed to cross the access road to the car parking area which currently serves Burger King and Blockbuster and a direct link formed to the end of the current Lancaster to Morecambe cycleway.

Designated cycleway signage is to be erected at either end of the new link.

Planning History

The site has no related planning history.

Planning Policy

The adjoining highway is 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

As Members will be aware Lancaster City has been designated as a Cycle Demonstration Town and has been granted funding to help develop improvements to the cycling infrastructure, promoting increased cycling within the District. This proposal will help to develop those links creating a safe route from the end of the existing cycleway across Hilmore Road and onto Central Drive. This link is one of a number currently being developed within the District in line with the aims of the Lancaster District Local Plan and the requirements of the Demonstration town funding. The need for planning consent arises from the development being carried out upon land which is currently in the ownership of a third party.

The development has been considered by, and has the support of, the Cycling Demonstration town Project Steering Group, comprising officers, Lancaster City and Lancashire County Councillors, external stakeholder and pressure groups.

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 subject to no significant objections being raised by the consultees, **PERMISSION BE GRANTED** with the following conditions: -

1. Standard Time Limit.
2. Development to be undertaken 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 19 March 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: -

- A5 PPS22
- A6 Planning application nos. 02/01203/REM and 06/01419
PPS7
- A7 West End Masterplan
Planning application no. 05/00640
SPG16
- A8 Planning application no. 05/00560/FUL
- A9 Planning application no. 06/01495
- A10 Planning application no. 05/00121
PPG8
- A12 SPG6
- A13 Planning application no. 00/00939/OUT
PPS1
PPS6
- A14 Planning application nos. 04/00137/FUL, 04/01327/FUL, 06/00641/ELDC,
06/00642/ELDC and 06/00643/PLDC
- A16 Planning application no. 06/01200/CU
- A17 Draft Regional Spatial Strategy
Regional Economic Strategy
PPS1, PPG4, PPS9, PPG13, PPS22, PPS23, PPS25
Regional Planning Guidance 13 (North West)
Regional Spatial Strategy
DP1, SD8, EC1, EC3, EC4, EC5, EC8, UR5, W2, CNL4
Joint Lancashire Structure Plan 2001-2016
Policy 1, 2 and 15
SPG5

- A18 Planning application no. 03/01372/OUT
PPS1, PPS3, PPG15
- A19 Planning application no. 07/00005/REM
- A20 Planning application no. 06/01197/REM
- A21 Planning application no. 06/01196/REM

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
06/01175/CU	60 Marine Road West, Morecambe, Lancashire Change of use of residential property to create four self-contained flats for Mr K Stannard	Application Permitted
06/01314/ELDC	131 Euston Road, Morecambe, Lancashire Certificate of lawful use for the conversion of ground floor retail shop to residential self contained flat for Mr C S Povey	Application Permitted
06/01315/ELDC	133 Euston Road, Morecambe, Lancashire Certificate of lawful use for the conversion of ground floor retail shop to residential self contained flat for Mr C S Povey	Application Permitted
06/01330/FUL	Silverdale C Of E School, Emesgate Lane, Silverdale Erection of a single storey extension to accommodate new classroom and storeroom for St Johns C E Primary School	Application Permitted
06/01434/CU	Highfield Cottage, Highfield Crescent, Morecambe Change of use from Chinese restaurant to form Veterinary Surgery and Physiotherapist Surgery for Longley & Burch	Application Permitted
06/01436/FUL	43 Masonfield Crescent, Lancaster, Lancashire Erection of a conservatory to the rear for Mrs Rees	Application Permitted
06/01442/CON	71 - 73 West End Road, Morecambe, Lancashire Conservation Area application for consent to demolish rear outrigger for Mr Richard Ingram	Application Permitted
06/01443/CU	71 - 73 West End Road, Morecambe, Lancashire Conversion of single dwelling to flats, including removal of outrigger and landscape works to external spaces for Mr Richard Ingram	Application Permitted
06/01447/ELDC	Undercroft, Stoney Lane, Bay Horse Application for Certificate of Lawful Use of property as 2 residential dwellings for Mrs F. Gardner	Application Refused
06/01483/CU	The Hayloft Barn, Ashton Road, Ashton Change of use application to extend domestic curtilage for C & P Developments	Application Permitted
06/01487/FUL	8 Harrowdale Park, Halton, Lancaster Construction of a dormer to the rear for Mr And Mrs Kirkwood	Application Refused
06/01496/CU	370A Heysham Road, Heysham, Morecambe Change of use of first and second floors from residential use to office use for Slovand Limited Pension Scheme	Application Permitted
06/01498/CU	Standfast Dyers & Printers Ltd, Caton Road, Lancaster Change of use of vacant second floor office to residential apartment for security staff for Standfast Dyers & Printers Ltd	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

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06/01506/OUT	Hardhead Farm, Crimbles Lane, Cockerham Outline application for the erection of an agricultural workers dwelling for Mr E Mitchell	Application Refused
06/01507/FUL	23 Elms Road, Morecambe, Lancashire Erection of an extension to first floor for Mr And Mrs J Cheeseman	Application Permitted
06/01509/CU	78 Penny Street, Lancaster, Lancashire Change of use from restaurant A3 to hot food take away A5 for Orhan Ucar	Application Refused
06/01512/FUL	Nuffield Hospitals, Meadowside, Lancaster Construction of eight additional car parking spaces within existing car park area for The Lancaster And Lakeland Nuffield Hospital	Application Permitted
06/01517/FUL	5 Wells Close, Heaton With Oxcliffe, Morecambe Conversion of garage to bedroom for Mr D Walmsley	Application Permitted
06/01519/LB	Old Hall Farm , Littledale Road, Brookhouse Listed building application for various alterations for Dr Miles Rucklidge	Application Permitted
06/01520/FUL	Nook House, Starbank, Ellel Demolition of existing garages and erection of new garages for Mr J Whittingham	Application Permitted
06/01521/LB	Nook House, Starbank, Ellel Listed building consent for the demolition of existing garages and erection of new garages for Mr J Whittingham	Application Permitted
06/01522/FUL	Kirklands, Main Street, Cockerham Erection of various ground and first floor extensions with roof and wall alterations for Mr And Mrs Barton	Application Permitted
06/01526/FUL	92 Osborne Road, Morecambe, Lancashire Erection of an attached garage to side and installation of velux windows in connection with loft conversion for Mr And Mrs A Sykes	Application Permitted
06/01527/FUL	4 - 6 Parliament Street, Lancaster, Lancashire Erection of a new shop front and replace flat roof with a pitched roof over rear staircase for Lancashire Pine	Application Permitted
06/01530/FUL	1 Farleton Close, Warton, Carnforth Erection of a two storey extension for Mr And Mrs P Barker	Application Permitted
06/01532/FUL	16A Emesgate Lane, Silverdale, Lancashire Change of use application of part of ground floor retail to residential and erection of a two storey extension for Mr R Ross	Application Refused
06/01533/LB	Sellet Hall Cottages, Hosticle Lane, Whittington Installation of solar panels to south side of roof for Mr And Mrs C Hall	Application Permitted
06/01534/FUL	45 Wennington Road, Wray, Lancaster Creation of a new access for R And C Emmett	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

19 MARCH 2007

06/01542/FUL	86 Barton Road, Lancaster, Lancashire Erection of a conservatory to the rear for David Beattie	Application Permitted
06/01544/FUL	The Flat, 154 Greaves Road, Lancaster Replace existing timber windows with UPVC double glazed units for Robert Watson And Danny Miller	Application Permitted
06/01545/FUL	Land South Of Hesley Beck, Kirkby Lonsdale Road, Over Kellet Erection of 4 stables for Mr And Mrs Toner	Application Permitted
06/01546/FUL	1 Kirklands Road, Over Kellet, Carnforth Erection of a dormer to the rear for Mr And Mrs H Wain	Application Permitted
06/01547/FUL	Mill Hill Farm, Carr Lane, Middleton Construction of lean-to extension on front elevation for Mr J Longton	Application Withdrawn
06/01549/FUL	St Josephs Parish Hall, Aldrens Lane, Lancaster Retrospective application to retain 2.4m high temporary fence on 2 sides of parish hall for Rev. Andrew Broster	Application Permitted
06/01550/FUL	192 Coastal Road, Bolton Le Sands, Carnforth Erection of a single storey extension for Mr And Mrs I Hillis	Application Refused
06/01552/ADV	1 Fleet Square, Damside Street, Lancaster Erection of new sign for Prabhsharan Singh Cheema	Application Refused
06/01553/FUL	Unit 14 Heysham Business Park, Middleton Road, Middleton Erection of a replacement HGV maintenance building for Mr Jim Hancock	Application Permitted
06/01554/FUL	1 Hala Grove, Lancaster, Lancashire Erection of a dormer to the side and two velux windows to the rear for Mr And Mrs Haq	Application Permitted
06/01555/LB	Sun Hotel, 63 - 65 Church Street, Lancaster Listed Building application for the removal of a structurally unsafe chimney stack for C2 Investments Ltd	Application Permitted
06/01558/CU	Lancaster Leisure Park, Wyresdale Road, Lancaster Change of use of cafe building (A3) to kitchen/bedroom showroom (A1) for Redwood Garden Centre	Application Refused
06/01559/FUL	Land Between Sunnycroft And Winsome, Hillcrest Avenue, Bolton Le Sands Erection of a detached house for Hillcrest NW Ltd	Application Permitted
06/01562/CU	67 - 69 West End Road, Morecambe, Lancashire Conversion of property into flats, including removal of rear outrigger and landscape works to external spaces for Adactus	Application Permitted
06/01563/CU	57/59 West End Road, Morecambe, Lancashire Change of use and conversion of existing dwellings into lateral flats, removal of outrigger and landscaping to external spaces for Adactus Housing Association	Application Permitted
06/01564/CON	57/59 West End Road, Morecambe, Lancashire Conservation Area application for the demolition of rear outrigger for Adactus Housing Association	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

19 MARCH 2007

06/01565/FUL	149 Bare Lane, Morecambe, Lancashire Erection of a conservatory to rear for Mr And Mrs Wright	Application Permitted
06/01566/CON	67 West End Road, Morecambe, Lancashire Conservation Area Consent for the removal of rear outrigger for Adactus	Application Permitted
06/01569/FUL	Land Nw Of Cliffdale, Lancaster Road, Thurnham Erection of a bird hide and a new access track for Alison Whalley	Application Withdrawn
06/01570/FUL	Sellerley Farm, Conder Green Road, Galgate Extension to existing agricultural chicken building for Mr E Newsham	Application Withdrawn
06/01573/FUL	4 Meldon Road, Heysham, Morecambe Erection of a two storey extension to the side for Miss C Helme	Application Permitted
06/01578/CU	38 Clarendon Road East, Morecambe, Lancashire Change of use of vacant property to single dwelling for Adactus Housing Association	Application Permitted
06/01579/CON	38 Clarendon Road East, Morecambe, Lancashire Conservation Area application for demolitions to the rear for Adactus Housing Association	Application Permitted
06/01582/FUL	1 Seawell Avenue, Heysham, Morecambe Erection of a dormer window to replace existing velux window to the rear for Paul Thornber And Judy Cabbage	Application Permitted
06/01585/FUL	35 St Austell Place, Carnforth, Lancashire Ground floor and first floor extension to side for J Harper	Application Permitted
06/01589/LB	High Gale, Roman Road, Cowan Bridge Listed Building application for the installation of solar heating roof panels for Sir John Kerr	Application Permitted
06/01590/FUL	15A Yorkshire Street West, Morecambe, Lancashire Erection of a garage extension to the rear for Mr K W Cooper	Application Permitted
06/01591/FUL	19 Ashfield Avenue, Lancaster, Lancashire Erection of a first floor extension to the rear for Mr And Mrs B Hammond	Application Permitted
07/00001/FUL	18 Beech Road, Halton, Lancaster Erection of a dormer to the rear for Mrs A Woodruff	Application Permitted
07/00002/FUL	19 Fairhope Avenue, Lancaster, Lancashire Erection of a kitchen/dining room extension to the rear for Mr And Mrs M Leck	Application Permitted
07/00004/LB	Brunt Hill House, Main Street, Arkholme Listed Building application for the rebuilding of conservatory superstructure, new window to rear elevation, roof window to annexe and internal alterations for Mr And Mrs T Manton	Application Permitted
07/00011/FUL	17 Chestnut Drive, Morecambe, Lancashire Demolition of existing porch and erection of single storey extension for Mr And Mrs C Hartley	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

19 MARCH 2007

07/00013/FUL	5 Clarendon Road East, Morecambe, Lancashire Change of use into single dwelling for Adactus Housing Association	Application Permitted
07/00014/CON	5 Clarendon Road East, Morecambe, Lancashire Conservation Area Application for demolitions to the rear for Adactus Housing Association	Application Permitted
07/00017/FUL	86 Highland Brow, Galgate, Lancaster Erection of a two storey side extension and conservatory to the rear, replacement garage and porch and extension to dormer windows for Mr J Wilson And Mrs J Wolfendon	Application Permitted
07/00023/PA	Corner Of Ryelands Road, And Dee Road, Lancaster Prior approval of details to re-site one telephone kiosk on land outside for British Telecom	Further Details Not Required (AD/PA)
07/00026/FUL	Forgelands, Quernmore Road, Caton Erection of a detached garage for C & C Jackson	Application Permitted
07/00028/FUL	7 Trumacar Lane, Heysham, Morecambe Creation of a new access for Mr S Harrison	Application Permitted
07/00029/FUL	17 Bridge Road, Nether Kellet, Carnforth Erection of a conservatory to the rear for Mrs Stott	Application Permitted
07/00030/FUL	15 Bridge Road, Nether Kellet, Carnforth Erection of a conservatory to the rear for Mr And Mrs M Procter	Application Permitted
07/00031/FUL	10 Well Lane, Yealand Redmayne, Carnforth Erection of a utility room extension for Mr F T Ward	Application Permitted
07/00033/FUL	Newton Green Farmhouse, Docker Lane, Whittington Erection of a single storey extension to south east elevation for Dr And Mrs N Chase	Application Permitted
07/00034/FUL	8 Greenwood Drive, Bolton Le Sands, Carnforth Construction of dormers to front and rear for Mr And Mrs Moore	Application Permitted
07/00035/FUL	37 Walker Grove, Heysham, Morecambe Erection of a conservatory to the rear for Mr Fraser	Application Permitted
07/00036/CU	73 Sandylands Promenade, Heysham, Morecambe Change of use from hotel to 4 self-contained flats for Grange View Ltd	Application Permitted
07/00039/FUL	Londis Convenience Store, 13 Manor Road, Slyne Erection of a single storey rear extension for Mr And Mrs I Ireland	Application Permitted
07/00053/FUL	36 Torrisholme Road, Lancaster, Lancashire Erection of a single storey extension to the rear for Mr G Eckford	Application Permitted
07/00058/FUL	The George Washington, 71 Main Street, Warton Construction of canvas awning over rear entrance for Mitchells Of Lancaster Ltd	Application Permitted

07/00060/FUL	Middleton Tower Retirement Village, Former Pontins Holiday Camp, Carr Lane Erection of a substation for Prestigious Living	Application Permitted
07/00065/FUL	Northgate Trade Centre, Northgate, Morecambe Erection of an extension to the rear of existing workshop for John Wilding Ltd	Application Permitted
07/00069/FUL	1 Lawson Close, Lancaster, Lancashire Erection of extensions and alterations for Mr And Mrs S Vause	Application Permitted
07/00071/FUL	4 Kingfisher Court, Caton, Lancaster Erection of a replacement shed to the rear for Mr And Mrs K R Burge	Application Permitted
07/00076/CU	16 South Road, Lancaster, Lancashire Change of use to four self contained flats and rear extension for Mr M Drinkall	Application Refused
07/00081/FUL	Linden Hall, Borwick Road, Borwick Erection of a new double garage to replace existing for Mr And Mrs A Brakewell	Application Permitted
07/00082/FUL	2 Whernside Road, Lancaster, Lancashire Erection of a conservatory to the rear for Mr Jones	Application Permitted
07/00085/FUL	2 Marton Place, Morecambe, Lancashire Erection of a single storey extension and a dormer extension to the rear for Ms K Metters And Mr T Ireland	Application Refused
07/00090/FUL	2 Schoolhouse Lane, Halton, Lancaster Erection of a conservatory to rear for Mr S Hogarth	Application Permitted
07/00114/FUL	32 Stud Farm Park Homes, Oxcliffe Road, Morecambe Erection of a porch for Miss S Lomax	Application Permitted
07/00116/FUL	178 Lancaster Road, Carnforth, Lancashire Alterations to create front extension for Mr Astin	Application Permitted
07/00126/FUL	54 Broadway, Morecambe, Lancashire Alteration and extension to front, side and rear for Mr And Mrs Barker	Application Permitted

PLANNING ENFORCEMENT SCHEDULE

DISTRICT		FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Lancaster	1.	109/2/182	The embankment on the west side of the Lancaster canal and land north west of Ashton Road (Field 1579) Lancaster	Unauthorised engineering operations involving construction of linear moorings. Use of land for siting a static caravan used for residential purposes & creation of decked area.	Appeal dismissed only partial compliance – instructions to prosecute to be sent to Legal.
	2.	109/2/183	Toll Bar Garage	Breach of Conditions	Legal prosecuting – case adjourned to 12/05/06. Appeal against certain conditions - dismissed. Considering appropriate action on other outstanding conditions.
	3.	109/2/189	26A Endsleigh Grove, Lancaster	Change of use of land & erection of domestic building.	S330 issued 06/06/05. Enforcement notice served 16/09/05. Planning application refused. Appeal dismissed 26/06/06. Monitoring for compliance.
	4.	109/2	Higher Moorhead, Quernmore	Erection of a building & unauthorised use.	S330 issued 4/01/06. Planning Application refused 26/06/06. Considering what further action is required.
	5.	109/2	The Waterwitch, Canal Towpath (adj. Footbridge)	Use of land for bin storage.	S330 issued 7/12/05. Planning application approved 28/04/06. Yet to be implemented.
	6.	109/2/190	Land north of Ashford House, Ashton Road, Lancaster	Erection of stables & use of site for livery purposes.	Enforcement Notice issued 02/03/06 Planning Application refused 09/05/06. Appeal upheld – agreeing details.
	7.	109/2/191	108 St. Leonardgate, Lancaster	Unauthorised work to a listed building.	S330 issued 09/01/06. Conservation Officer monitoring situation.
	8.	109/2/185	Bowling Green Petrol Station, Scotforth Road, Lancaster	Breach of condition – Hours of operation	Planning application received to vary the hours – Refused. Instructions sent to Legal 02/08/06 to prosecute for continued breach. Appeal lodged.
	9.	109/2	Somerfield Stores, Wood Street, Lancaster	Display of unauthorised signs.	S330 issued 05/06/06. Sign removed.
	10.	109/2	Sun Inn, Church Street, Lancaster	Failure to comply with condition no. 8 – stone boundary wall.	S330's issued 31/10/06 & 21/11/06.

PLANNING ENFORCEMENT SCHEDULE

DISTRICT		FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Morecambe & Heysham	11.	109/3/286	11 Knowlys Drive, Heysham	Erection of a house and realignment of footpath	Planning permission granted. Conditions to be monitored.
	12	109/3/301	20 Lonsdale Avenue, Morecambe	Erection of a building.	Application refused. EN issued – not complied with – instructions sent to Legal to prosecute.
	13.	109/3/303	“Seamore”, Moneyclose Lane, Heysham	Unauthorised container.	Legal Services undertook second prosecution. Further fine. Still in breach. Monitoring.
	14.	109/3/309	Land at Out Moss Lane, Morecambe	Unauthorised use of land for siting of two caravans.	Caravans now removed – monitoring use and ongoing works.
	15.	109/3/308	10 Queen Street, Morecambe	Unauthorised roller shutters.	Enforcement Notice served 24/10/05. Appeal dismissed. Conservation officer negotiating new scheme. Ongoing policy review.
	16.	109/3	Trinity Methodist Church, Marine Rd West, Morecambe	Unauthorised works to a listed building.	S330 issued 10/01/06. Planning application and Listed Building Application refused – awaiting further application.
	17.	109/3	14 Middleton Road, Middleton	Unauthorised extension & boundary wall.	Planning permission granted for retention of wall. Action to be taken re: building not in accordance with approved plans. S330 issued 03/01/06. Breach of condition notice served 17/10/06. Compliance April 2007.
	18.	109/3	14 Middleton Road, Middleton	Unauthorised use of property for commercial business.	S330 issued 27/07/06. EN issued. Need to visit re: compliance. Considering prosecution.
	19.	109/3	221 Marine Road, Morecambe.	Unauthorised works to Listed Building – works not in accordance with approved plan.	S330 issued and returned. Considering what further action is required. Planning permission granted – awaiting implementation but continue consideration of formal action.
	20.	109/3	126A West End Road, Morecambe	Unauthorised erection of dog kennels.	S330 issued 05/07/06.

21.	109/3	23 Sugham Lane, Heysham.	Change in levels.	S330 issued. Planning permission granted. Awaiting compliance..
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PLANNING ENFORCEMENT SCHEDULE

DISTRICT		FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Carnforth	22.	109/4/23	Landscaping at Canal Turn, Lancaster Road, Carnforth	Failure to implement planning condition 5 relating to landscaping.	Instructions to prosecute for non-compliance with BCN. Sent to Legal 5/4/06. Company search undertaken (new owners / tenants).
	23.	109/5	The Old Coal Yard.	Breach of condition hours of work	S330 served. Planning considering next course of action. Monitoring. No further breach.
	24.	109/4/27	30 Main Road, Bolton le Sands	Unauthorised illuminated advertising signs.	Successfully prosecuted. Fined £400 with £400 costs. Monitoring for removal of structure.
	25.	109/5/327	Royal Hotel, Main Road, Bolton-le-Sands.	Unauthorised works to TPO'd trees.	Referred to Legal Services 10/04/06 for prosecution. Provisional court date 08/09/06. Referred for trial.
	26.	109/4	9 Grosvenor Court, Carnforth.	Non compliance with Condition re: obscure glazing and opening windows.	S330 issued – not returned. Considering further action.

PLANNING ENFORCEMENT SCHEDULE

DISTRICT		FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Rural Areas	27.	109/5/296	Kindercare, Ovangle Road, Heaton-with-Oxcliffe	Failure to comply with conditions 3 and 4 relating to highway works and landscaping.	Held in abeyance Planning Service to advise. Applicants unable to comply – pursuing County Council for compliance. Requested update from County Council.
	28	109/5/297	Field at Stoney Lane, Galgate.	Unauthorised change in levels.	New breach – Planning Service monitoring.
	29.	109/5/306	Former Moorcock Hall, Claughton.	Unauthorised caravan and 2 wooden structures.	Enforcement Notice served. Compliance achieved.
	30.	109/5	Greendales Farm, Middleton	Unauthorised construction of vehicular access.	S330 Notice served and returned. Awaiting remedial works to be carried out.
	31.	109/5/321	Plough Inn, Galgate	Siting of caravan	Enforcement Notice served 25/10/05. Appeal of enforcement notice received. Planning application received but not yet valid. Appeal held in abeyance as landowner granted possession order in private prosecution. Resident of caravan now left the site. Removal of caravan etc now being sought. Caravan removed.
	32.	109/5/315	Jumpers/Bridge Mill, Ingleton Road, Cowan Bridge	Breach of Conditions – non-submission of landscaping details and failure to construct boundary wall to car park and other matters concerning lighting.	Prosecuted and fined £650 and £884 costs. Compliance for most part – in correspondence.
	33.	109/5/311	Ireby Hall Farm, Ireby	Siting of a caravan	Enforcement Notice issued 7/1/05. Not complied with – instructions to prosecute sent to Legal. Held in abeyance pending further negotiations with the owners.

PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Rural Areas	34.	109/5/320 Lot 2, Hampson Farm, Stoney Lane, Galgate	Removal of hedgerow.	Instructions to prosecute sent to Legal re: hedgerow. PCN issued regarding use of building. Planning application submitted in attempt to regularise unauthorised works. Planning permission granted. Matters still outstanding – considering relevant action.
	35.	109/5/319 Sefton Farm, Bay Horse Road, Ellel.	Siting of static caravan.	S330 hand delivered. S330 returned. Awaiting planning application. Planning permission refused. Site visit now required. Further S330 issued 17/05/06. Monitoring.
	36.	109/5/220 Fowlers, Mellishaw Lane, Heaton with Oxcliffe.	Use of land for car sales.	Use ceased but awaiting re-instatement of bund.
	37.	109/5/323 Units 15/16 Whitefield Place, Heaton with Oxcliffe.	Unauthorised use of property for retail purposes.	S330 issued 14/12/05. Enforcement Notice issued 7/3/06. Appeal dismissed. Awaiting compliance.
	38.	109/5 Land between Carlow Wood & Woodman Lane, Burrow with Burrow (Mayfield Chicks)	Unauthorised erection & retention of 2 poultry breeder houses & an egg storage building, hardstanding & landscaped areas.	S330 issued 11/1/06. 3 new applications received 22/05/06. Pending consideration. Appeals lodged with Planning Inspectorate against non-determination.
	39	109/5/326 328 Oxcliffe Road, Heaton with Oxcliffe	Siting of a caravan	Enforcement Notice issued. Non compliance. Instructions to Legal to prosecute.
	40	109/5/341 Lancaster Road Garage, Lancaster Road, Cockerham	Untidy land.	S330 issued 11/07/06. Some improvement – Planning considering course of action.
	41.	109/5 Hipping Hall, Ingleton Road, Cowan Bridge.	Breach of condition – drainage scheme.	S330 issued 12/07/06. Compliance achieved. File closed.
	42.	109/5/344 Raisbeck, Over Kellet	Storage of caravans & creation of bund.	S330 issued 24/05/06 & returned 20/06/06. Enforcement notice issued 24/11/06. Awaiting compliance.

PLANNING ENFORCEMENT SCHEDULE

DISTRICT	FILE REF.	DESCRIPTION OF PROPERTY	NATURE OF BREACH	PRESENT POSITION
Rural Areas.	43.	5 Birch Avenue, Galgate	Erection of pigeon lofts.	Enforcement Notice issued. Compliance achieved.
	44.	Redwell Fisheries, Arkholme	Change in levels.	S330 issued. Planning permission submitted but refused – awaiting new application.
	45.	Blackthorne Cottage, Capernwray	Unauthorised occupation of dwelling.	PCN issued.
	46.	Bridge House Farm Tea Rooms, Wray	Failure to comply with condition no. 6 details of western boundary.	S330 issued and returned.
	47.	Land at Crookhey Hall, Garstang Road, Cockerham	Erection of fencing.	S330 issued. Instructions to issue Breach of Condition Notice.
	48.	Hynning Home Farm, Warton	Unauthorised use of site as trekking centre.	S330 issued. Planning application submitted.
	49.	Redwell Fisheries, Arkholme	Breach of condition re: occupation of caravans.	S330 issued. Instructions sent to Legal for Breach of Condition Notice.
	50.	Near Moss Farm, Gulf Lane, Cockerham	Breach of condition re: limit of season for caravan occupancy.	S330 issued and returned.
	51.	Land North of Beaumont Grange, Slyne-with-Hest	Erection of a building in connection with commercial/equestrian/livery.	Monitoring for compliance with Enforcement Notice.
	52.	Brooklands Buildings, Addington Lane, Halton	Unauthorised use as a contractors depot.	S330 issued 12/01/07. Reminder letter sent 05/02/07.
	53.	Lune View Caravan Park, Station Road, Halton	Hoardings still in site following re-development of park home site.	Referred to Legal 06/03/07 for serving of S330.
	54.	Greenlands Farm, Burton Road, Priest Hutton	Use of site as grass / mountain boarding centre.	Instructions to Legal to issue enforcement notice 26/02/2007.

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