



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 12 DECEMBER 2011

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

1 Apologies for Absence

2 Minutes

Minutes of the meeting held on 14 November 2011 (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 11/00548/CU Land South of Ashton Hall Cottages, Ashton-with-Stodday, Lancaster Ellel Ward (Pages 1 - 9)

Change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay-bys and cycle link, and creation of wildlife pond for Stodday Land Ltd

6	A6 11/00943/FUL	Land Opposite 19-25, Strands Farm Court, Hornby	Upper Lune Valley Ward	(Pages 10 - 18)
		Erection of 10 affordable dwellings and alteration of access to previously approved B1 units for Mr Ian Beardsworth		
7	A7 11/00885/FUL	St Georges Works, St Georges Quay, Lancaster	Castle Ward	(Pages 19 - 33)
		Phase 1 of Luneside East Masterplan including external works, car parking and all related demolition and remedial works for Mr Guy Illingworth		
8	A8 11/00852/FUL	Lancaster Girls Grammar School, Regent Street, Lancaster	Duke's Ward	(Pages 34 - 43)
		Erection of additional sixth form teaching building with ancillary works for the School Governors		
9	A9 11/00865/LB	Lancaster Girls Grammar School, Regent Street, Lancaster	Duke's Ward	(Pages 44 - 47)
		Listed Building Consent for the demolition of boundary wall to Queen Street, Lancaster for the School Governors		
10	A10 11/00853/CON	Lancaster Girls Grammar School, Regent Street, Lancaster	Duke's Ward	(Pages 48 - 51)
		Conservation Area Consent for demolition of part of technology building to allow the construction of new sixth form teaching building for the School Governors		
11	A11 11/00861/VCN	Land at Mossgate Park, Mossgate Park, Heysham	Heysham South Ward	(Pages 52 - 55)
		Reserved Matters Application for the erection of 395 dwellings including associated infrastructure and public open space (pursuant to variation of condition 2 to vary house type and footprint on 5 plots) Mr John Bennett		

12	A12 11/00818/VCN	Anchor Buildings, Westgate, Morecambe	Westgate Ward	(Pages 56 - 63)
		Change of use of warehouse and office premises to retail use (in part) and external alterations (Pursuant to vary conditions 3 and 4 to allow sale of bulky goods to an extended retail area of 200sqm Mr Ian Rawlins		
13	A13 11/00941/FUL	55 Beaufort Road, Morecambe	Torrisholme Ward	(Pages 64 - 67)
		Erection of a single storey side and rear extension for Mr M Iftikhar		
14	A14 11/00881/CON	Castle Engineering, St Georges Quay, Lancaster	Castle Ward	(Pages 68 - 71)
		Demolition of 2 industrial units for Lancaster City Council		
15	A15 11/00922/FUL	24 Sunnyfield Avenue, Morecambe	Bare Ward	(Pages 72 - 75)
		Erection of 2 Storey Side Extension and Raising of the Roof to Create a Second Storey for Mr Kevin Lodge		
16	A16 11/00923/CU	7 Cheapside, Lancaster	Duke's Ward	(Pages 76 - 79)
		Change of use from retail (Class A1) to coffee shop (Class A3) for Mr P Kirton		
17	A17 11/00947/LB	Williamson Park, Wyresdale Road, Lancaster	John O'Gaunt Ward	(Pages 80 - 82)
		Proposed Remedial Work to External Steps to Ashton Memorial for Lancaster City Council		
18	Delegated Planning Decisions (Pages 83 - 87)			
19	New Planning Enforcement Charter (Pages 88 - 103)			
	Report of Head of Regeneration and Policy			
20	Officer Scheme of Delegation (Pages 104 - 107)			
	Report of Head of Governance			

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Keith Budden (Chairman), Roger Sherlock (Vice-Chairman), Eileen Blamire, Dave Brookes, Abbott Bryning, Chris Coates, Roger Dennison, Sheila Denwood, Helen Helme, Tony Johnson, Andrew Kay, Geoff Marsland, Margaret Pattison, Vikki Price, Robert Redfern, Sylvia Rogerson, Richard Rollins, Ron Sands, Susan Sykes and Paul Woodruff

(ii) Substitute Membership

Councillors June Ashworth, Mike Greenall, Tim Hamilton-Cox, Janice Hanson, David Smith, Keith Sowden, Malcolm Thomas and Peter Williamson

(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 (01524) 582170, or email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Tuesday, 29 November 2011.

Agenda Item A5	Committee Date 12 December 2011	Application Number 11/00548/CU
Application Site Land South of Ashton Hall Cottages, Ashton With Stodday, Lancaster LA2 0AJ	Proposal Change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay- bys and cycle link, and creation of wildlife pond	
Name of Applicant Stodday Land Ltd	Name of Agent Mr Graham Salisbury	
Decision Target Date 5 October 2011	Reason For Delay Committee Cycle	
Case Officer	Mr Ian Lunn	
Departure	No	
Summary of Recommendation	Approval	

Procedural Matter

This application was previously reported to the Planning Committee on 14 November 2011. However, consideration of the proposal was deferred in order to allow Members the opportunity to first visit the site. This visit is to take place on Monday 5 December 2011.

1.0 The Site and its Surroundings

1.1 The land the subject of this application comprises two sites. The main site is an irregularly shaped plot of approximately 2.15 hectares which occupies the eastern portion of a field some 410 metres west of the junction of Ashton Road (A588) and the access road serving Ashton Garden Centre. The other site lies approximately 230 metres further west and comprises a triangular plot of predominantly agricultural land of approximately 0.09 hectares. Both sites lie within an area of open countryside.

2.0 The Proposal

2.1 Planning permission is sought to use the larger land area as a touring caravan site comprising 26 pitches. The proposals involve:

- Some cutting and filling of the land;
- the construction of a freestanding single storey facilities building to provide ancillary toilets and showers for visitors;
- The construction of an access road within the site to serve the development;
- The formation of lay-bys along the access road linking that site with Ashton Road;
- Landscaping (including the creation of a wildlife pond); and
- The creation of a link to the existing cycle path which occupies the former railway line to the west.

3.0 Site History

Application Number	Proposal	Decision
11/0043/TPO	Trees within W1 – trimming of branches overhanging driveway and removal of epicormic growth at base of trees	Approved 09/05/11

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections
Environmental Health	No objections subject to conditions
United Utilities	No objections
Environment Agency	No objections
County Ecologist	No objections but recommend that as a safeguard the applicants be requested to assess the sites to ascertain whether or not they form a habitat for wading/overwintering birds, and if they are how they propose to ensure that such birds are not disturbed by the development.
Natural England	No objections subject to the implementation of the mitigation measures set out in the submitted ecological report.
The Wildlife Trust for Lancashire, Manchester and North Merseyside	Concerned that the proposal may affect overwintering birds.
Trees Officer	No objections subject to conditions
Parish Council	Object. Contend that the development would detract from the amenities currently enjoyed by local residents; concerned that an approval of the scheme would not be in the best interests of highway safety; and are concerned that should this application be approved the site may subsequently become a static caravan site.

5.0 Neighbour Representations

5.1 24 letters of objection, and two petitions containing 45 and 13 signatures respectively, have been received in respect of this proposal. The predominant objections are:-

- a) that the proposal is contrary to the Council's adopted planning policies relating to development of this nature and would set an undesirable precedent, perhaps for static vans,
- b) that the development would detract from the character and appearance of the former Ashton Estate and the surrounding area in general (which forms part of the Green Belt, an Area of Outstanding Natural Beauty, a Conservation Area, and which lies near to an SSSI),
- c) that the proposal would lead to the loss of a greenfield site and prime agricultural land,
- d) that an approval of this proposal would not be in the best interests of highway and pedestrian safety. It would lead to increased traffic on a dangerous road with a high accident record, the increased use by cars and caravans of other unsuitable roads in the vicinity (including the access road serving the development), and the increased vehicular use of the substandard access onto and off the A588,
- e) that noise and light from the development would adversely affect the amenities currently

enjoyed by nearby residents, and the proposal would adversely affect the level of privacy that they currently enjoy,

- f) that the development would adversely affect the setting of nearby Listed Buildings,
- g) that the development would adversely affect the ecology of the area, including tree and hedgerow loss
- h) that there is no suitable infrastructure in the area to serve the development,
- i) that the development would put undue strain on the existing drainage infrastructure,
- j) that the application site is located within an area that is prone to flooding and as such the applicants should have submitted a Flood Risk Assessment with this application,
- k) that the proposals may affect the existing mains water pressure. Should this application be approved a condition should be imposed requiring the provision of a new water main to serve the development,
- l) that the development would affect an existing public right of way and rights of access,
- m) that the proposal would lead to increased pollution and excessive litter in the area and that the development would also constitute a security risk,,
- n) that the business is unlikely to be viable enough to create the three full-time and 2 part time jobs that the applicants claim it will create,
- o) that whilst the applicants are proposing to form a link to the cycle path they have no legal right of access to do so,
- p) that there is no need for further touring pitches in this area, and
- q) that the applicants have allegedly breached the planning legislation in the past.

One resident has indicated that they are not prepared to allow them legal access over their land to form the new cycleway link.

A letter has also been received from the Lancaster Branch of the Ramblers Association. They have requested that if permission is granted for this proposal, and there is to be access to the site from Greenway, then a public right of way should be created between Greenway and the main road.

5.2 Five letters of support have been received in respect of this proposal stating:-

- a) that the development will benefit the local economy,
- b) that an approval of this proposal will help to meet the demand for quality tourist facilities in the locality,
- c) that locating the development on this secluded site should ensure that it does not detract from the appearance of the locality, and
- d) that there is good access to the site.

6.0 Principal Development Plan Policies

6.1 Government Policy, including Planning Policy Statements (PPS)

PPS1 ('Delivering Sustainable Development') sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 ('Planning for Sustainable Economic Growth') sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

PPS7 ('Sustainable Development in Rural Areas') sets out the Government's overall aim of protecting the countryside for the sake of its intrinsic character and beauty, for the diversity of its landscapes, for its heritage and wildlife, for the wealth of its natural resources, and so it may be enjoyed by all.

PPS9 ('Biodiversity and Geological Conservation') sets out the planning policies on protection of biodiversity and geological conservation through the planning system.

DCLG '**Good Practice Guide on Planning for Tourism** (May 2006)' identifies the strong role tourism has to play in the national, regional and local economy. It indicates that tourism can be the focus of regeneration in both urban and rural areas, can assist in the provision of local employment, and can help to support local shops and services. Overall it seeks to maximise the benefits of tourism for local communities in optimal locations provided that in so doing it does not

adversely impact upon those areas.

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is in general conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 Lancaster District Local Plan (saved policies) - adopted April 2004

The application site is identified as forming part of a Countryside Area.

Saved Policy **E4** sets out the general criterion against which proposals for development in Countryside Areas will normally be judged.

Saved Policy **T07** sets out the general criterion against which proposals for new touring caravan sites, and proposals to extend such sites, will normally be judged.

6.3 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** seeks to ensure that new development proposals are as sustainable as possible, that they minimise greenhouse gas emissions, and that they are adaptable to the likely effects of climate change.

Policy **SC5** essentially seeks to achieve high quality development.

Policy **E1** seeks to safeguard the District's Environment by applying national and regional planning policies.

Policy **ER6** seeks to maximise the potential for tourism to regenerate the local economy.

7.0 Comment and Analysis

7.1 Principle of Development

Given the nature of the proposed development, and its location within a Countryside Area, it is considered that it needs to be judged in particular against the requirements of Government Guidance PPS4, PPS7 and the DCLG 'Good Practice Guide on Planning for Tourism (May 2006)'; Saved Policies T07 and E4 of the Local Plan; and Policies E1 and ER6 of the Core Strategy. It is contended that it will essentially meet the aims and requirements of these for the following reasons:-

- a) the proposal is seeking to assist tourism in the area and benefit the local economy essentially by providing a form of accommodation in the countryside, by proposing a link to an existing cycling route and by proposing to create additional employment;
- b) the development is considered to be acceptable in terms of its design and scale and it should not significantly impact upon the appearance of the surrounding countryside (for reasons given below);
- c) the proposal should not unduly impact upon the amenities currently enjoyed by the occupiers of nearby properties (for reasons given below);
- d) the proposal should not give rise to any undue highway safety concerns (for reasons given below) and pedestrians and cyclists should be able to reasonably access the site from public

- roads and rights of way; and
- e) it is not envisaged that the proposal will unduly affect nature conservation or geological interests (again, for reasons given below).

In view of the above, despite concerns to the contrary, the proposal is considered to be acceptable in principle.

7.2 Design/Scale/Impact on surrounding landscape

Concern has been expressed by local residents about the likely impact that this development may have upon the surrounding countryside. However, this is not accepted. First of all it should be made clear that despite claims to the contrary none of the land in question forms part of the Green Belt, an Area of Outstanding Natural Beauty or a Conservation Area. Furthermore, the caravan site itself will occupy a quite secluded position located against a thick belt of trees on a field that is enclosed on two sides by trees and on the third by a hedge. It may initially be visible from parts of the cycle path to the west and from Conder Green to the south. However, in the latter case this will be at a distance of approximately 640 metres and new tree and shrub planting proposed along the western and southern side boundaries of the development should, in time, soften and help to provide some screening of it especially in the summer months. The proposed cycle link and lay-bys will also occupy secluded positions, the former within the corner of a field and the latter on the existing estate road where they will largely be screened by trees. With the above in mind it is considered that the proposals will ultimately have little impact upon the character or openness of the surrounding countryside.

The development is also considered to be acceptable in terms of its design and scale, or can be rendered so through the use of suitable planning conditions. The proposed 'facilities' building will be a relatively modest single-storey structure constructed using a combination of oak and green coloured weatherboarding under a natural slate roof. These are materials that are considered to be acceptable for this location. Details of the means of surfacing the access road, lay-bys, cycle path and hardstandings have not been supplied but these details can be reserved for consideration by condition.

7.3 Highway Safety Issues

Significant concerns have been expressed by local residents about the likely effect that this proposal may have upon highway safety. In response County Highways have made the following statement:-

"The A588 is recognised as an important traffic route and in functional road hierarchy terms it is classed as a primary distributor. It is recognised that the A588 in general has a poor accident record and over the years there have been a number of Local Safety Schemes introduced over various sections with a view to reducing the accident rate. When considering this application the most up to date traffic accident data was used, which showed that in the past 5 years there had been 2 injury accidents recorded at or close to the development site access. In addition to this there have been a number of injury accidents within a relatively short distance of this junction. Damage only accidents are not recorded as there is no legal requirement to report them to the Police. It is accepted that there may be a number of unreported accidents on the A588; this is no different to any other road.

On examination of the causation factors of the two injury accidents at this junction, it is found that neither of these related to turning traffic. Both of these accidents involved single vehicles and excessive speed or inappropriate speed for the prevailing road conditions were the primary factors. Excessive speed or inappropriate speed is a common factor in the majority of the accidents along the A588.

The level of traffic that a development such as this would generate is relatively low. The nature of the development would suggest that car and caravan movements will be very limited and unlikely to take place at the busiest hours for traffic on the A588. The length of stay on a touring caravan site can vary considerably and for assessment purposes the Highway Authority (HA) considers the following to be a reasonable scenario. The average length of stay of 4 days (this takes into account stays varying from overnight up to fortnightly) and the average number of pitches occupied throughout the season unlikely to be greater than 80%, this would then equate to around 10 movements per day (5 in and 5 out).

Some concern has been raised regarding the adequacy of the access. The access has been established for many years with regular vehicle movements occurring. Although the access is narrower than would be ideally suited for large vehicles, the HA is under the impression that widening may be difficult to achieve. Therefore the HA has to consider whether or not the additional traffic movements here would be detrimental to highway safety. When approaching the access from the north, forward visibility for the turning vehicle is good and visibility into the access is good, therefore the HA accepts that this manoeuvre can be carried out safely.

When approaching the access from the south, there is restricted visibility into the access and the left turn would be tight for the longer car and caravan, however, the HA considers it unlikely the swinging onto the wrong side of the road to be necessary, nonetheless forward visibility is reasonable and this manoeuvre can be performed with care.

The condition of the access is poor, with a number of potholes beginning to form. However, its current condition does not necessitate immediate work but it is likely that remedial works will be required in the not too distant future.

The HA's overall conclusions on this matter are that whilst the development proposal will lead to an increase in traffic on a principal road with a documented injury accident record, the level of traffic that the development will generate is unlikely to be sufficient to have a noticeable impact on highway safety and therefore (the HA) does not consider there to be sufficient strength in the argument to refuse the development on highway safety grounds and defend such a reason for refusal at appeal."

Given the above, and as the application proposes the provision of lay-bys along the access road to allow vehicles to pass each other, it is considered that, despite the concerns to the contrary, a refusal of this proposal on highway safety grounds could not reasonably be substantiated.

7.4 Amenity Issues

Concerns have been raised by local residents to the effect that the proposal will generate unacceptable levels of noise and light pollution and will reduce the level of privacy that they currently enjoy. However, whilst accepting that the proposal will clearly lead to increased vehicular (and possibly cycle and pedestrian) movements along the access road, and whilst accepting that this road passes some dwellings, given the nature and scale of the development it is not envisaged that it will generate a level of noise, or reduce privacy levels, to the extent that a refusal of this application could reasonably be justified. Likewise, whilst lighting is to be provided as part of the proposal, a condition can reasonably be imposed on any approval controlling its design, location and intensity so as to minimise its impact upon local residents, the surrounding countryside and local wildlife. The Environmental Health Service, Lancashire County Council Ecologists and Natural England have all considered this proposal and raise no objections to it.

7.5 Tree Issues

It is not proposed to remove any trees or hedgerows in order to make way for this development. Furthermore, significant additional tree and shrub planting is proposed as part of the scheme, primarily along the southern and western boundaries of the caravan site, in order to soften the impact of the development and provide a degree of screening. The Council's Tree Officer has considered the proposal and raises no objections to it subject to appropriate measures being undertaken to ensure that the trees and hedges are suitably protected during the construction works and the proposed planting is carried out and subsequently maintained. Conditions to this end are therefore recommended.

7.6 Ecological Issues

The application has been accompanied by a Baseline Ecological Survey Report and a Method Statement. These conclude that the proposals may lead to the loss of a small area of habitat and may have a minor impact upon the neighbouring woodland. However, they also add that the habitat in question is of limited value to wildlife and that its loss can reasonably be compensated for by the introduction of wildlife-friendly species as part of the proposed landscaping scheme, by limiting light spill from any lighting, and by creating new aquatic habitats on the site. The report has been considered by Lancashire County Council Ecologists and Natural England who accept its findings

and recommendations.

The Wildlife Trust for Lancashire, Manchester and North Merseyside are concerned that the development may affect overwintering/wading birds and have therefore recommended:-

- a) that a wintering/non-breeding bird survey is undertaken to establish the likely impact of the proposal on those birds, and
- b) that a restriction is imposed on any approval preventing caravans from being occupied during the 'vulnerable period' (i.e. between September and March).

This issue has been raised with the applicant's agent. However, in response they argue that wintering/wading birds, especially pink footed geese and swans, prefer flat wide open spaces that are not enclosed by trees so that they are able to see potential hazards/predators and act accordingly. Since the sites in question have a slight slope, are relatively narrow and are enclosed by trees they contend that it is highly unlikely that they will be used by such birds. Both Natural England and the County Council Ecologists have considered this proposal and neither has raised any such concerns in their consultation responses. Furthermore neither of the application sites form part of any 'protected site' and although there are such sites in the vicinity they are physically separated by open pasture, woodland and a track. With this in mind it is contended, on the balance of probability, that the proposal will not adversely impact upon overwintering/wading birds and that as such an occupancy restriction of the type recommended by the Wildlife Trust could not reasonably be justified.

In conclusion, given the above, as proposals for new planting and a pond are included within the proposed landscaping scheme, and as a condition can reasonably be imposed designed to control proposed lighting, it is considered that, despite the concerns of local residents and The Wildlife Trust to the contrary, there are no reasonable ecological grounds for opposing this proposal in this instance.

7.7 Other Issues

The objections received in respect of this proposal have been fully considered before coming to a decision on this application. However they are not accepted for the reasons given earlier in this report and for the additional reasons below and overleaf:-

i) It is contended that the development will have no effect upon the setting of any Listed Building. It is proposed to form a lay-by approximately 130 metres from Ashton Hall, which is listed, but given the nature and scale of this element of the proposal, and given its proposed position in relation to that building, it should have no significant effect upon its setting. The remainder of the development is to be located at least 350 metres away from that building and will be wholly screened from it by existing trees and buildings.

ii) It is contended that the development is capable of being satisfactorily drained. Waste water is to be discharged into a new bio-disk treatment plant which is to be provided as part of this development. Surface water is to be drained into the adjoining dyke. Mains water is to be supplied either by connecting into the existing services at Ashton Hall Cottages (subject to capacity) or by providing new metered supplies from Penny Hill Road. Ultimately the applicants will need to obtain the formal approval of the relevant drainage/mains water authorities under their legislation before being able to implement these proposals. However, in planning terms both United Utilities and the Environment Agency have indicated that they have no objections to them.

iii) The lower (western) part of the larger site is prone to flooding. However the caravan site is to be located on the higher ground adjacent to the eastern boundary which is not. In view of this it is contended, on the balance of probability, that future users of the caravan site will not be at risk from flooding and that as such the submission of a Flood Risk Assessment is unnecessary. For Members information, the Environment Agency has not required the submission of such an Assessment.

iv) A planning application cannot legitimately be refused on the grounds that the applicants may have allegedly carried out other work without planning permission. Such breaches can be pursued independently under national planning legislation.

v) It is not envisaged that a development of this nature will lead to undue problems of pollution.

vi) Concerns about litter generation and any legal rights of access are not matters that can be taken into consideration when determining a planning application. The first is a matter that can be controlled via other more direct legislative means whilst the second is a private matter that the local planning authority cannot arbitrate upon.

vii) It is accepted that should this application be approved planning permission would not normally be required to create additional touring pitches, or to site static holiday caravans, within the defined application site. In order to retain a degree of control over this development therefore it is proposed, in this instance, to impose restrictions which essentially would require such proposals to be the subject of further planning applications. Should such applications then subsequently be submitted they would be judged on their individual merits.

8.0 Planning Obligations

8.1 Given the nature of these proposals, and their proposed location, it is considered appropriate in this instance to require the applicants to enter into a Section 106 Obligation in order to reinforce certain of the recommended planning conditions and provide an additional level of control over the development. To this end it is recommended that the obligation should incorporate the requirements to limit the use of the site solely to touring caravans, to limit the number of pitches to the 26 proposed, to prevent unoccupied touring caravans from being stored on the site, and to prevent the residential occupancy of those caravans. The agent has been made aware of this and has agreed in principle to sign such an agreement should the recommendation to approve this application be supported by Members.

9.0 Conclusions

9.1 It is considered that the proposed development will be acceptable subject to conditions and to the applicants first entering into a Section 106 Obligation designed to control the matters described in paragraph 8.1 above.

Recommendation

That **PLANNING PERMISSION BE GRANTED** subject to the signing and completion of a Section 106 Obligation and the following conditions:-

1. Standard Planning Permission Timescale
2. Amended Plans
3. Development to accord with approved plans
4. Submission of samples of wall and roof materials for facilities building and surfacing materials for access road, lay-bys and hardstandings
5. Provision of lay-bys
6. Details of proposed cycle link
7. Details of lighting
8. Details of Bio-disk treatment plant
9. Unforeseen contamination condition
10. Submission of an Arboricultural Method Statement
11. Implementation of approved landscaping scheme
12. No removal of/works to trees/hedges without approval
13. Caravan site limited to 26 touring caravans
14. No storage of caravans
15. No residential occupation of caravans; bound register to be kept with evidence of site users main residences

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A6</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00943/FUL</p>
<p>Application Site Land Opposite 19 - 25 Strands Farm Court Hornby Lancaster</p>	<p>Proposal Erection of 10 affordable dwellings and alteration of access to previously approved B1 units</p>	
<p>Name of Applicant Mr Ian Beardsworth</p>	<p>Name of Agent Richard Wooldridge</p>	
<p>Decision Target Date 9 January 2012</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 The 0.28 hectare application site is located at the southern end of the rural village of Hornby. The site falls on the western side of Strands Farm Court, the road from which the site is accessed.
- 1.2 This relatively flat site has a range of surfaces, including self-seeded plants, foundations for some of the previously approved the business units and overgrown broken hardcore. To the west and north is open countryside, albeit further approved business units are proposed to the adjacent land immediately to the north. The small residential development of Strands Farm is situated to the east. The now disused railway line and Hornby Station is to the south, which is now occupied by established business uses. It is separated by a c3.5m high stone wall from the application site.
- 1.3 The site is designated as part of the District's Countryside Area and the Forest of Bowland Area of Outstanding Natural Beauty in the Lancaster District Local Plan. It falls just outside Hornby Conservation Area.

2.0 The Proposal

- 2.1 The application seeks planning permission for 10 new affordable houses; four 2-bed houses and six 3-bed houses. It is proposed that the properties would be available for social rent. 2 short terraces of 4 properties each would be situated on the western side of the site with 2 semi-detached properties towards the south east corner.
- 2.2 The proposed palette of materials include off white rendered walls under an artificial slate roof, finished with painted timber windows (and French doors on the 3-bed units) and painted composite steel doors. The roof arrangement on the 4 unit terraces would be completed with gable fronted ends. The boundary treatment would be a mix of natural stone walls (to the Strands Farm Court frontage) and timber palisade fencing.
- 2.3 Access would be taken from Strands Farm Court in the north east corner of the site. The 10 properties would be served by a small cul-de-sac with 15 car parking spaces (including 2 mobility spaces) provided from this road. It is proposed to provide bike storage within the private garden

space of the 3-bed units, with bike storage provided for the 2-bed units off the central public area. A similar arrangement is proposed for the bin storage. The access to the approved B1 units (06/00770/FUL) would be amended from the previously approved arrangement to accommodate the residential development. Members should note that the planning status of this 2006 permission is currently being debated with the applicant. A verbal update will be provided to Members at the Planning Committee on this matter.

3.0 Site History

3.1 The site has a varied planning history, including:

Application Number	Proposal	Decision
00/00055/OUT	Outline application for erection of six light industrial units and ten dwellings	Permitted
02/00676/FUL	Erection of 22 new dwellings, conversion of existing barns to form 4 dwellings, erection of a 2 storey office building, new vehicular access on to Lancaster Road and associated parking and landscaping	Permitted
02/00723/OUT	Outline application for the erection of offices	Permitted
04/00397/REM	Reserved matters application for the erection of a business unit for B1 use	Permitted
05/00733/FUL	Erection of 14 houses	Refused
06/00770/FUL	Construction of 11 B1 units	Permitted
11/00485/FUL	Erection of 10 affordable dwellings	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
County Highways	The layout drawing (No 1350-300 D) addresses the Highway Authority's original concern regarding manoeuvrability and is acceptable.
Environment Agency	No objection in principle to the proposed development subject to a condition requiring a surface water regulation system. The Agency also wishes to encourage the incorporation of water management measures, the use of sustainable forms of construction and the development of energy efficient buildings.
United Utilities	No objection to the proposal provided that the following conditions are met: This site must be drained on a separate system
Environmental Health	No objection subject to contamination, hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only) and dust control conditions.
Forest of Bowland AONB	No comments received during the statutory consultation period.
Conservation	No objection subject to external details (including render, natural slate sample, eaves, ridges and verges, windows and doors, and lintels) being conditioned.
Hornby with Farleton Parish Council	The Parish Council is in favour of planning application provided that the industrial units are built first, as they were supposed to have been on the original planning application, and provided that these industrial units are marketed appropriately. They do not believe that sufficient effort has been made by the developer to let these units, and no evidence is provided in the planning application to support this claim. They believe that the industrial units would be valuable to the village economy due to the employment opportunities they would bring.

The Parish Council also believes that the industrial units should be located at the rear of the site, adjacent to the existing industrial units in Station Yard (their original location, where footings have already been laid), rather than at the front of the site as shown on the current plans. If they were to be built in the location indicated in this application, the Parish Council believes that this would have a detrimental effect on the aesthetics of the approach into the village and would not be a desirable view for those living in the new houses. Furthermore, the units and houses should be finished in stone, not off-white wet dash render, in keeping with the rest of the Strands Farm development, as was promised by the applicant when he attended the Parish Council meeting on 10 February 2011.

Furthermore, if this application for 10 affordable houses is to go ahead, the Parish Council believes that traffic-calming measures would be essential, such as an extension of the 30mph zone, and provision of a safe footpath along the A683 into the village.

Before the development goes ahead, the Parish Council would also like to see a firmer commitment from Adactus Housing Association, and clarification on the term "affordable" regarding the specific nature of the ownership/rental agreements.

Finally, the Parish Council has grave concerns that once planning permission is achieved on this site for affordable housing, at a later date the developer will try to have this changed to standard housing.

5.0 Neighbour Representations

5.1 5 items of correspondence have been received from local residents raising the following concerns / objections:

- Inappropriate location for the proposed use
- Contrary to planning policy
- Lack of evidence that the employment units have been adequately marketed (especially in light of the demand for similar small units in Claughton)
- Detrimental impact on the AONB / contrary to character of the area
- Overdevelopment of the site
- Overlooking/lack of privacy
- Poor choice of materials
- Removal of trees
- No demand for affordable or other new housing in Hornby
- Village is losing its key services (school, shop and post office)
- Increase in traffic
- Poor connectivity to cycle network
- No footpath from the access road to the village along A683
- Lack of parking facilities for existing and new residents, resulting in poor access arrangements
- Increase in noise
- Loss of Lune Valley views

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is in general conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – ‘**Planning for Growth**’. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 National Planning Policy Statements (PPS) and Guidance Notes (PPG)

PPS1 (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in PPG 13 - Transport. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS3 (Housing) - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing to meet local housing needs.

PPS 4 (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- the impact on local employment

PPS5 (Planning for the Historic Environment) - the Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS5 states that policies and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

PPS7 (Sustainable Development in Rural Areas) - the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development. Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to

landscape and scenic beauty. Planning authorities should ensure that any planning permission granted for major developments in these designated areas should be carried out to high environmental standards through the application of appropriate conditions where necessary.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

PPS25 (Development and Flood Risk) - recognises that though flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. All forms of flooding and their impact on the natural and built environment are material planning considerations. Positive planning has an important role in helping deliver sustainable development and applying the Government's policy on flood risk management. It avoids, reduces and manages flood risk by taking full account in decisions on plans and applications of present and future flood risk, involving both the statistical probability of a flood occurring and the scale of its potential consequences, whether inland or on the coast, and the wider implications for flood risk of development located outside flood risk areas.

6.3 Regional Spatial Strategy (adopted September 2008)

Policy **DP2** (Promote Sustainable Communities) - fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities, improving the built and natural environment, conserving the region's heritage, promoting community safety and security including flood risk, reviving local economies especially in areas in need of regeneration and housing restructuring such as Morecambe, promoting physical exercise through opportunities for sport and formal / informal recreation, walking and cycling.

Policy **DP4** (Make Best Use of Existing Resources and Infrastructure) - proposals should build upon existing concentrations of activities and existing infrastructure (i.e. not require major investment in new infrastructure, including transport, water supply and sewerage). Development should accord with the sequential approach - use of previously developed land, then infill sites in existing settlements and lastly other sites which are well connected to houses, jobs and other infrastructure and facilities.

Policy **DP5** (Reduce the Need to Travel, Increase Accessibility) - development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally. All new development should be genuinely accessible by public transport, walking and cycling, and priority will be given to locations where such access is already available.

Policy **DP7** (Promote Environmental Quality) - understanding and respecting the character and distinctiveness of places and landscapes, the protection and enhancement of the historic environment, promoting good quality design in new development and ensuring that development respects its setting, reclaiming derelict land and remediating contaminated land and use land resources efficiently, maximising opportunities for the regeneration of derelict or dilapidated areas, promoting green infrastructure and the greening of towns and cities.

Policy **RT2** (Managing Travel Demand) - measures to discourage car use (including the incorporation of maximum parking standards) should consider improvements to and promotion of public transport, walking and cycling. Major new developments should be located where there is good access to public transport backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car.

Policy **EM16** (Energy Conservation & Efficiency) - ensure that the developer's approach to energy is based on minimising consumption and demand, promoting maximum efficiency and minimum waste in all aspects of development and energy consumption.

Policy **EM18** (Decentralised Energy Supply) - new non residential developments above a threshold of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

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

Policy **H12** (Layout, Design and Use of Materials) - new housing developments will only be permitted which exhibit a high quality of design and local distinctiveness.

Policy **H19** (Site Layout and Amenities) - in Lancaster, Morecambe, Heysham and Carnforth, new residential development within existing housing areas will be permitted where there is no loss of open/green spaces, it does not adversely effect the amenities of nearby residents, it provides high standard of amenity, and it makes satisfactory provision for disposal of sewerage, waste water, servicing, access and car and cycle parking.

Policy **E3** (Area of Outstanding Natural Beauty) - Development within and adjacent to the Forest of Bowland Area of Outstanding Natural Beauty which would either directly or indirectly have a significant adverse effect upon the character or harm the landscape quality, nature conservation interests, or features of geological importance will not be permitted. Any development must be of an appropriate scale and use materials appropriate to the area.

Policy **E4** (Countryside Area) - development will only be permitted where it is in scale and keeping with the character and natural beauty of the landscape, is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping, would not result in a significant adverse effect on nature conservation or geological interest, and makes satisfactory arrangements for access, servicing, cycle and car parking.

Policy **EC16** (Non-Employment Development on Rural Employment Sites) - seeks to retain existing rural employment sites where they make a positive contribution to the rural economy and thus the survival of sustainable rural communities. Policy EC16 identifies some key rural employment sites where non-employment development is simply not permitted. Elsewhere in the district, non-employment development will only be permitted where it can be shown that there is no demand for employment development or the sites location or surroundings are unsuited to employment use and the proposal would bring about clear environmental benefits; or the proposal is part of a mixed use scheme.

6.5 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 90% of new dwellings to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC3** (Rural Communities) - identifies 8 villages where an allowance of 10% of new homes is accepted in order to meet local needs in villages.

Policy **SC4** (Meeting the District's Housing Requirements) - the Council will aim to maximise the opportunities offered by the development of new dwellings to redress imbalances in the local housing market, achieve housing that genuinely addresses identified local housing need and secure units of affordable housing in perpetuity.

Policy **SC5** (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

Policy **SC7** (Development and the Risk of Flooding) - Development must not expose workplaces, homes and public areas to unacceptable levels of flooding.

Policy **ER3** (Employment Land Allocations) - to promote regeneration by ensuring that the right amount of employment land is provided in the right place to meet needs generated by existing businesses, new businesses and inward investment.

Policy **ER7** (Renewable Energy) - to maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the use of energy efficient design, materials and construction methods.

Policy **E1** (Environmental Capital) - development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, conserve and enhance landscapes, and be directed to previously developed land where dereliction can be cleared and contamination remediated.

Policy **E2** (Transportation Measures) - this policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

7.0 Comment and Analysis

7.1 Principle of Development

A mixed use scheme was previously granted planning permission for Strands Farm. Whilst the residential element was developed, the commercial buildings were only commenced and were not built beyond their concrete footprints. Despite the site being marketed for 5 years by HWM Surveyors, including site signage from 2003 to 2007/8 and 16 newspaper advertisements from 2003 to 2004, the approved premises only gained the interest of 3 parties – one who is now in new premises in Lancaster, one who unfortunately has become a victim of the recession and no longer trades and one from a party who only requires about 25% of the total approved space and who are potentially still interested. In other words, the business premises have been adequately marketed and therefore the loss of approved (but not operational) employment space is acknowledged in planning policy terms (Local Plan policy EC16).

The proposal is seeking to deliver 10 new affordable housing units on the edge of an existing rural settlement. Hornby is one of the 8 identified rural villages where new housing is acceptable (Policy SC3 of the Core Strategy). Whilst a scheme for open market housing would be inappropriate in this location on the outside edge of the village, an exception can be made for affordable housing which seeks to meet a specific need. 6 of the houses will have 3 bedrooms, and are therefore usable as family houses. Even the 2-bed houses can be used by a small family. The rural area, especially an expensive area such as the Lune Valley, has a lack of affordable family homes, and therefore this is a welcome addition to the housing stock in this area.

7.2 Design and Heritage

The housing scheme has been designed around a small access road, effectively creating an intimate courtyard feel. Unfortunately this intimacy is a reflection of the site's size, which confines the layout. As a result some of the gardens fall well below the Council's minimum 50 sq.m standard for private amenity space. However, on balance the scheme is acceptable as it seeks to deliver appropriately designed affordable homes whilst protecting the amenity of the existing and future residents of Strands Farm and preserving the views across and out of the adjacent Conservation Area. The exception to this last comment is the proposed elevational treatment of an off-white render. Reconstituted stone elevations would be a more appropriate finish in this sensitive rural location, which would help the development sit more comfortably with the neighbouring properties. It is also good practice not to differentiate between social and open market housing. The use of the proposed render is a very contentious point with the local residents, though one supported (subject to colour) by the Conservation Officers. Given the points already raised, on balance it is recommended that a high quality reconstituted stone is used to all external elevations. This has been agreed with the applicant.

7.3 Landscape

The site is located within the District's Countryside Area and the Forest of Bowland Area of Outstanding Natural Beauty. The scheme therefore needs to be sympathetic to these designations. As described above in 7.2, the character of the proposal needs to be carefully assessed. The site is situated on the edge of the existing settlement and as such is relatively prominent on the approach into Hornby along the A683. Whilst it does not form a gateway into the village, it does form a new edge to Hornby and therefore the transition from the natural rural landscape into the built-up area of

the settlement should be subtle rather than introducing a stark change. The retention of some of the larger self-seeded trees within the site will help soften the hard surface and elevation treatments, whilst the planting of a native hedgerow along the western boundary rather than a domestic timber fence would be more in keeping with the site's location. The off-white render that is proposed for the houses' elevations would be in stark contrast to the rolling green fields and the stone houses of the existing Strands Farm development. Therefore the stone finish to the houses (referred to in the previous paragraph) would be more appropriate given the site's position. Lastly it is appropriate to remove permitted development rights from the properties to ensure that their character is maintained in the future. For example, the introduction of a uPVC, white framed conservatory on the rear of one of these properties would undermine the efforts of the Local Planning Authority and the developer in ensuring the approved scheme is maintained in character within the specific rural designations previously identified.

7.4 Environmental Issues

The houses are designed to meet Level 3 of the Code for Sustainable Homes. The scheme will also need to generate at least 10% of its ongoing energy requirements from on-site renewable technologies. Solar photovoltaic panels are proposed in this regard. These are measures are encouraged by the Environment Agency, who also require a condition to regulate surface water run-off to reduce flood risk.

Conditions are requested by Environmental Health to protect the amenities of the local residents on matters of contamination, noise and dust. These are incorporated into the recommendation below.

8.0 Planning Obligations

8.1 The proposal is for 100% affordable housing. To deliver this, a s106 agreement is required. The agreement should detail the proportion of provision, tenure and occupancy criteria.

9.0 Conclusions

9.1 For the reasons set out above, the application can be recommended for approval.

Recommendation

That Planning Permission **BE GRANTED** subject to the signing and completion of a s106 agreement covering:

- 100% affordable housing provision (including tenure and occupancy criteria)

and the following conditions:

1. Standard 3 year timescale
2. Development to accord with approved plans
3. Adoptable highway details required
4. Visibility splays
5. Parking provision
6. Wheel cleaning facilities during construction
7. Landscaping scheme
8. Notwithstanding plans, external and surface materials - details required (including finishes and colours) - reconstituted stone, natural slate, eaves, ridges and verges, rainwater goods, windows and doors, lintels, porches
9. Notwithstanding plans, site and plot boundary treatments, including a native hedgerow to the western site boundary
10. 10% on site renewables
11. At least Code level 3
12. Hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only)
13. Dust control
- 14-17. Contamination conditions
18. Refuse storage details
19. Separate drainage system
20. Surface water management system
21. Removal of PD rights

Human Rights Act

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

Background Papers

None.

Agenda Item A7	Committee Date 12 December 2011	Application Number 11/00885/FUL
Application Site St Georges Works St Georges Quay Lancaster Lancashire	Proposal Phase 1 of Luneside East Masterplan including external works, car parking and all related demolition and remedial works	
Name of Applicant Mr Guy Illingworth	Name of Agent Mr Harrison Ince	
Decision Target Date 2 January 2012	Reason For Delay None	
Case Officer	Mr Mark Cassidy	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 Luneside East is the 6.3ha site located between the River Lune to the north, the elevated West Coast Main Line/Carlisle Bridge to the east and the embankment of the former Glasson branch line to the south east. The site is triangular in shape and is dissected by the highway known as St Georges Quay. The land to the north of the road accommodates a number of poor quality modern buildings and temporary structures, previously in business use. Land to the south of the road is dominated by St George's Mill, an imposing four-storey Victorian Mill which is *not* a listed building. The southern portion of the site was previously occupied by the former gas storage facility and maintains a range of unoccupied buildings of varying age and deteriorating condition.
- 1.2 The site is located within walking distance of the city centre, the bus station and the railway station. There are two principal access routes to the site; one via St George's Quay/Damside Street and the other via West Road/Meeting House Lane. The X1 bus service runs past the site providing a regular service between the site and Lancaster Bus Station. Other bus routes serve the nearby Marsh residential area. There is a direct cycle link to Lancaster Station from Long Marsh Lane and St George's Quay, and New Quay Road (an extension of St George's Quay to the west) forms part of the District's Strategic Cycle Network.
- 1.3 The Lancaster Conservation Area immediately abuts the application site to the east, where residential is the predominant use of land. The Lune Estuary enjoys Site of Special Scientific Interest (SSSI) and County Biological Heritage Site status.
- 1.4 The Development Plan includes a Housing Opportunity Site designation for Luneside East. A development brief for the site was adopted in 2000 and revised in late-2004. This sets out in detail the Council's vision for this site.

2.0 The Proposal

- 2.1 Following a successful compulsory purchase order, the entire site is in the ownership of the City Council and the applicants are the Council's appointed development partner.

2.2 The 2010 renewal of the outline consent for comprehensive mixed-use development has established the development principles across the site. The current full application will deliver Phase One of the Lunaside East development and will include:

- Partial demolition of the eastern end of the Mill and existing building to the rear, and restoration and re-use of the remaining structure for a range of use classes including A1 (retail), A2 (financial and professional services), A3 (restaurant and cafes), A5 (hot food takeaways), B1 (business) and B2 (general industrial) – *Note that A4 – drinking establishments – is not included in the list of potential uses stated by the applicant, and that for the purposes of the floor layouts the applicant proposes A1 and A3 uses on the ground floor with office uses (A2 and B1) above;*
- Temporary car parking on the northern side of the River Lune, following removal of modern buildings (permanent redevelopment of this side of the site would be delivered in a later phase);
- Introduction of new car parking and 'Heart Space' to the rear of the Mill;
- Introduction of a new public realm space entitled 'The Reception' to the east of the retained portion of the Mill;
- A temporary public space in the form of a landscaped meadow immediately to the east of the Mill (this site is identified for a new building under the existing outline consent and any building would be delivered in a later phase);
- Partial removal of the adjoining boundary wall to create the vehicular access into the site, with materials being reused across the site;
- All other remedial works necessary within the application site.

2.3 The uses within the Mill will include approximately 907 sq.m (gross floor area) of A1/A3 floorspace on the ground floor, and approximately 2,727 sq.m of office space (A2/B1) across the three upper floors. The building will have a centrally-located reception and foyer, toilet facilities on each floor and plant/equipment zones.

3.0 Site History

3.1 The site has a complex and lengthy history. The western portion was occupied as the town's gasworks from 1845 to the 1950s, while the eastern portion, known as St George's Works, has been used for the manufacture of oilcloth (1860s to 1970s), and used since then variously as a paint works, as a car breakers yard and for the recycling of car batteries. These activities have resulted in significant contamination across the site.

3.2 The renewal of the outline permission for comprehensive redevelopment (Ref: 10/01134/RENU) was approved in February 2011. That permission establishes the reuse of the site for residential, business and leisure uses.

3.3 The other most relevant consent is 07/00442/REM, which was a Reserved Matters submission for Phase 1a. This was not implemented. However at the time it secured consent for 11,000sq.m of office space, 3,000 sq.m of retail space and residential flats. That permission also consented a permanent car park on the northern side of St George's Quay for 121 spaces.

3.4 Planning applications submitted within the last decade include the following:

Application Number	Proposal	Decision
01/01287/OUT	Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses	Approved
06/00126/FUL	Modification of conditions 1 and 12 (01/01287/OUT) – to extend the time limit for the submission of Reserved Matters	Approved
07/00442/REM	Reserved Matters Application For Phase 1a Of Lunaside	Approved

	East Masterplan: Buildings 5, 7, 8, 9, 12 and 14. 11,000 sq.m Office Space, Ground Floor Retail Space and Residential Flats, and Discharging of Condition 2, 10, 12, 14, 17, 22, 24, and 30 on Application 01/01287/OUT in respect of Phase 1a	
07/00773/REM	Reserved matters application for phase 1A of Luneside East Masterplan for refurbishment of building 13 (Pump House) – and erection of cycle/bin store/substation	Approved
07/00775/FUL	Demolition of 2 No. Industrial units and continuation of proposed landscaping of reserved matters application (07/00442) to tie in with link from Quay Meadow	Approved
07/00776/CON	Conservation Area Consent to demolish 2 industrial units	Approved
07/01588/REM	Reserved Matters for the residential phase of Luneside East for 327 units and ancillary works	Pending – not determined
10/01134/RENU	Renewal of outline application (06/00126/FUL) for comprehensive development of Luneside East	Approved

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Planning	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
County Highways	The formal response has not been received at the time of compiling the report, but they have indicated that the outline permission controls matters across the site and are therefore satisfied with the principle of development. The only 'new' element is the temporary car park, but they advise that this raises no major concerns and suitable conditions can be imposed on the layout and access (to County specification). All proposed highway and access works will need to be carried through a Section 278 (Highway) Agreement. With regards to the access arrangements on the southern side of the site, the vehicle tracking shown on the submitted plans appears acceptable.
County Ecology	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
County Archaeology	No specific comments to make; as the Mill was recorded as recently as 2007. They do make comment about the adjacent part of the site (Lancaster Pot House) and its significant archaeological potential. A planning condition imposed on the 2010 outline permission renewal safeguards this part of the site and imposes a requirement for further investigation, recording and analysis.
English Heritage	They welcome the recognition of the degree of historic and architectural significance of the Mill, despite its lack of formal designation. They support the focus on this building as a 'gateway' into the area and the intentions regarding new public realm works around the site. Careful consideration should be given to the detail of the landscaping works, material palette and phasing of development. They also make comments regarding the archaeological potential of the Lancaster Potworks on the adjoining part of the site.

Environment Agency	No objection subject to conditions regarding land contamination and details of the finished floor levels to be agreed. General advice is provided including the potential to investigate water management and drainage; use of sustainable construction including recycling of materials, and ensuring that the building is energy-efficient.
United Utilities	No objections. A condition is requested requiring surface water to be drained to the River Lune (with the agreement of the Environment Agency). General advice regarding fuel tanks, water supply and efficiency is also provided.
Environmental Health	Conditions requested regarding hours of construction; scheme for dust control, pile-driving and air quality assessment. In terms of contaminated land the proposals is for a 'new' parcel of land with a slightly amended layout and a new or updated desk study should be required. Much of the information has already been obtained and a new site walkover is advisable.
Tree Protection Officer	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
Health and Safety Executive (Hazardous Installations)	No objection - The HSE does not advise, on safety grounds, against the granting of permission.
Lancaster Civic Society	The demolition of part of the existing building (the part closest to the high level railway line) would not undermine the character of the building and the Civic Society welcomes the proposed re-use of the retained part of the building for office and restaurant purposes. Conditions regarding external materials, windows and doors should be imposed.
Network Rail	Previously objected to the proposal on the grounds that it included Network Rail land and Network Rail Business Space (the arches). Following dialogue, which pointed out the previous 2007 agreements between the Council and Network Rail (as part of site acquisition), the objection relating to the arches has been formally withdrawn. At the time of writing the report further dialogue is continuing regarding the remaining objection and a verbal update will be provided.
Access Officer	The kerbs crossing the footway at the main entrance will require either dropping or the previous site entrance will require filling to bring upto the height of the footway. All doors should have level approaches, and the entrance to the restaurant spaces will need to ensure that there is a step-free arrangement. Other matters will be controlled via the building regulations.
Police	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
Fire Officer	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
The Lancashire Wildlife Trust	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
RSPB	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
North Lancashire Bat Group	No observations have been received within the statutory timescale. Any late comment will be verbally reported.

5.0 Neighbour Representations

5.1 At the time of compiling the report no comments from residents had been received. One letter from the Urban Futures (Project) Team makes a number of comments, including:

- Retention of all of the Mill is more in line with the character of the place and its collective memory;
- BREEAM rating of 'very good' is not ambitious;
- Greenspace could turn into an urban void and other 'use' proposals could be considered;
- Concerns regarding the 'heart space' of the development;
- Queries regarding traffic and pavement width;
- The bridge and flood wall prevents a more permeable flow of people;
- Queries about the orientation of the restaurants and retail areas;
- Comments regarding benches and toilets;
- Queries the use of zinc cladding;
- Suggests bat roosts should be provided in the building.

6.0 Principal Development Plan Policies

6.1 National Planning Guidance

The key Planning Policy Statement (**PPS**) and Planning Policy Guidance (**PPG**) Notes affecting this proposal are as follows:

PPS 1 (Delivering Sustainable Development) – provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS 4 (Planning for Sustainable Economic Growth) – All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport and the effect on local traffic levels and congestion after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design;
- The impact on economic and physical regeneration in the area; and,
- The impact on local employment.

PPS 5 (Planning for the Historic Environment) – The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS 5 states that policies and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource;
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation;
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

PPS 9 (Biodiversity and Geological Conservation) – The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or

compensated for, then planning permission should be refused.

PPG 13 (Transport) – encourages sustainable travel such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

PPS 23 (Planning and Pollution Control) – the planning system plays a key role in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution. Any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use.

PPS 25 (Development and Flood Risk) – recognises that though flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. All forms of flooding and their impact on the natural and built environment are material planning considerations.

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. As the Luneside East site is already subject to outline permission for comprehensive redevelopment, and the current proposals seek to bring forward the first phase of this key regeneration project, it is the view of Officers that the application is in conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably (consistent with PPS 4) and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 Regional Planning Guidance

It is the Government's clear policy intention to revoke the existing Regional Spatial Strategies (RSS), including the RSS for the North West (2008). Abolition of the RSS will be enacted through the Localism Act 2011.

At the present time the following main policies are applicable to the current proposal (and were also considered, amongst other RSS policies, during the recent renewal of outline consent for the wider site development):

- Policy **DP2** – Promotion of Sustainable Communities;
- Policy **DP4** – Use of Existing Resources/Infrastructure;
- Policy **DP5** – Reduce the Need to Travel and Increase Accessibility;
- Policy **DP7** – Promotion of Environmental Quality;
- Policy **W6** – Tourism and the Visitor Economy;
- Policy **W7** – Principle for Tourism Development;
- Policy **RT2** – Managing Travel Demand;
- Policy **RT9** – Walking and Cycling;
- Policy **EM1** – Integrated Land Management (conservation-led regeneration);
- Policy **EM16** – Energy Conservation and Efficiency;
- Policy **EM18** – Decentralised Energy Supply (renewable and low-carbon sources).

6.3 Local Planning Guidance

Local Planning Guidance is relevant – particularly the development brief for the site which is

Supplementary Planning Guidance (**SPG**) 4 – ‘Luneside East’ (2004); the ‘saved policies’ of the Lancaster District Local Plan (**LDLP**) and the policies in the Lancaster District Core Strategy (**CS**) 2008.

SPG 4 – Sets the development parameters. The vision for Luneside East is a comprehensive development of the site to transform this derelict and under-used site into a vibrant, sustainable quarter of the City incorporating residential units, workspaces, food and drink uses, local shopping uses, open spaces, walking and cycle routes. This site presents a unique regeneration opportunity within a short walk of Lancaster’s busy City Centre and immediately adjacent to the Castle Conservation Area.

LDLP Policy H3 – The site is identified as having capacity for upto 300 dwellings.

LDLP Policy H10 (Partially Saved) – Advises that upto 20% provision of affordable housing will be negotiated on 6 sites, including Luneside East.

LDLP Policy EC5 – The general ‘Luneside’ area is allocated for B1 (Business) and B2 (General Industrial) uses.

LDLP Policy EC14 (Partially saved) – development resulting in an overall increase in HGV movements will not be permitted; proposals to expand existing uses must be accompanied by environmental improvements.

LDLP Policy T9 – Development should maximise the opportunities for using public transport, especially bus services.

LDLP Policy T17 – A requirement to produce a Travel Plan for development likely to generate large numbers of daily journeys.

LDLP Policy T24 (Partially saved), **T26 and T27** (both wholly saved) – seeks to improve the district’s cycle network, footpaths and public rights of way.

LDLP Policy E11 (Partially saved) requires measures to deal with flood risk.

LDLP Policies E16 and E17 – Identifies the need to protect local and national designated sites of conservation interest including the Lune Estuary (Special Protected Area and Site of Special Scientific Interest) and the River Lune (County) Biological Heritage Site.

LDLP Policy E30 (Partially Saved) – Seeks to protect and enhance Green Corridors.

LDLP Policy E35 – Seeks to protect views into and across a Conservation Area (the site adjoins a Conservation Area).

LDLP Policy E37 – The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic impact of a Conservation Area (again this policy applies to Conservation Areas and is only included in the report due to the site’s proximity to the Conservation Area boundary).

LDLP Policy E44, E45 and E46 – Seeks to protect archaeological remains and require assessment and investigation of the same.

LDLP Policy R21 – Ensures access provision for people with disabilities.

CS Policy SC1 – Development should be sustainably located in areas where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities. Proposals must not result in unacceptable flood risk or drainage problems, or adversely impact on a site of nature conservation or archaeological importance. Proposals should use energy efficient design and construction practices, should incorporate renewable energy technologies, create publicly accessible open space, and be compatible with the character of the surrounding landscape.

CS Policy SC5 – New development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

CS Policy SC6 – Schemes should encourage high quality design, incorporating “Secure by Design” principles, avoid car dominated environments, remove dereliction and eyesore sites, and achieve greater use of pedestrian and cycle networks, parks and open spaces.

CS Policy SC7 – Development must not expose workplaces, homes and public areas to unacceptable levels of flooding.

CS Policy SC8 – Looks to build sustainable communities by improving and protecting greenspaces and informal recreation networks. This includes the nearby Lancaster City Centre and equally nearby Marsh Point entrance to the cycle network towards Glasson Dock.

CS Policy ER2 – The Luneside area is to be regenerated into a mixed-use waterfront following remediation and provision of flood defences. Westward expansion of Luneside East could be assisted, in the longer term, by a river crossing. Measures to manage heavy goods vehicle movements should be investigated and implemented.

CS Policy ER3 – Seeks to promote regeneration by ensuring that employment land is located in areas such as Lancaster for B1, B2 and B8 employment use, and subject to the principles of sustainable development.

CS Policy ER5 – Aims to focus retail need, particularly comparison retailing, within existing centres. New local food retailing should be provided in town or local centres, or at an appropriate scale in sustainable locations in areas of deficiency.

CS Policy ER6 – Aims to maximise tourism potential by regenerating new environments in the City Centre which can enhance the wider city.

CS Policy ER7 – Promotes the maximisation of the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the use of energy efficient design, materials and construction methods.

CS Policy E1 – Development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, conserve and enhance landscapes, and be directed to previously developed land where dereliction can be cleared and contamination remediated.

CS Policy E2 – Seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

7.0 Comment and Analysis

7.1 Paragraph 3.2 of this report explains that the outline planning permission establishes the principle of developing the Luneside East site for a mix of uses. SPG 4 also confirms that the mix of uses being proposed by the applicant is acceptable.

The vision for Phase One of the scheme, as proposed by the current submission, accords with those principles. Therefore the main considerations for Members are:

- Whether the proposal is satisfactory in terms of urban design and site layout;
- Whether the proposal is appropriate in relation to highway impact and safety;
- Whether the environmental impacts arising from this phase of development are acceptable; and,
- Whether the development is acceptable in terms of heritage impact.

7.2 Design and Site Layout

The most significant element of the proposal relates to the partial demolition of the mill. However partial demolition was included in the proposals approved by the original 2001 outline permission, which has since been renewed and remains an extant permission. It is also acknowledged that

partial demolition is necessary to deliver a more permeable site, and one that will open up currently obscured views of some of the fine railway arches at Carlisle Bridge. The scale of the existing structure is vast, and the reduction in scale will permit a viable re-use of the remaining internal space.

- 7.3 It is also the case that the existing building to the rear of the Mill, which will also be removed, has little intrinsic character and its retention would significantly hamper attempts to integrate the application site with the existing residential area to the east, or indeed future attempts to link the site to the south and west. The retained Mill will still be a substantial building retaining its current height, and with a revised roadside length in excess of 60m (its existing length is approximately 83m).
- 7.4 There will be moderate changes to the fenestration. A new glazed entrance to the Mill will be located centrally along the northern (quayside) elevation. The existing loading bay will be blocked up and where necessary some of the first floor windows will be extended down to ground level. Otherwise there is little intervention into the regimented window arrangement that makes the Mill so striking. An area for plant and equipment will be located on the roof, and details of this (and all external materials) are conditioned. A shallow standing seam zinc roof is proposed and this is an acceptable and respectful material on a building of this character. The east elevation of the mill will require careful treatment due to the fact that this will be a newly-exposed elevation. The current proposal is for a single, full-height window on this end elevation, which will sufficiently break-up the heavy appearance of stone without compromising the architectural character of the building. The proposed western elevation is also acceptable, following a more regimented window arrangement.
- 7.5 Because much of Phase One relates to the retention and restoration of part of the existing Mill, the arrangement of ancillary car parking and provision of landscaping and public realm is dictated by the Mill's location. Thus the area to the rear of the mill will accommodate 40 new car parking spaces, including 6 mobility spaces, and a new external, ground floor decking area serving the proposed A1/A3 units. This 'heart space' will be one of the most active parts of the site and will include new trees, new street lamps, the use of Yorkshire Paving, and new external seating. A detached refuse store will also be located to the rear of the Mill. Details will be controlled via planning condition and the applicant will be required to provide high-quality materials befitting such a new public space. The success of the space will depend upon how sensitively the external decking areas to the rear of the Mill can be integrated with the proposed car park, and Officers will work with the applicants to secure appropriate details in discharging the relevant planning conditions, if the application is approved.
- 7.6 Further to the east – in-between the retained portion of the Mill and Carlisle Bridge – will lie two public areas which differ in terms of appearance, function and permanency. Immediately east of the Mill will be a temporary, rectangular-shaped landscaped meadow. It is temporary by virtue of the fact that the previous masterplan envisaged this part of the site being redeveloped with a new structure. A permanent urban design solution for this particular area will be subject to a separate planning application as part of future phases. In the interim, it is considered that wildflower planting would be more preferable than an area of mown lawn and will form a colourful backdrop to the permanent area of public realm further to the east.
- 7.7 The removal of the eastern end of the Mill permits an opportunity to open and extend the new public realm underneath Carlisle Bridge towards the existing residential properties along the Quayside. It will effectively function as the gateway to the Luneside East site, and a high-quality surface treatment and landscaped area is essential to its success. The plans are relatively notional at present, indicating a grid-like arrangement of 16 trees, picnic benches, Yorkshire Paving and street lamps. Reassuringly, the applicant has produced precedent photo images that illustrate how these ideas can be developed still further to provide a place which functions as an area of open space and still provides sufficient interest to entice footfall towards the development site. Both the applicant and Officers are under no illusion as to how important this parcel of the site will be, and both are committed to exploring detailed options, should planning permission be forthcoming.
- 7.8 The remaining area of land subject to this application lies across St George's Quay adjacent to the River Lune. The outline permission envisages waterfront development that will be bold and innovative. However the site currently contains an array of poor, modern buildings and for the first phase of the development, part of this site will be used to accommodate a temporary car parking area for 72 cars, 10 of which will be allocated as mobility spaces. The works will not affect the position of the existing cycle network or the river defence wall. The highway impacts arising from the proposal are considered separately in this report.

- 7.9 In terms of design and site layout, the proposal broadly follows the approved principles of development and subject to detail, the scheme will deliver the necessary linkage towards the existing Quayside uses to allow for a vibrant, high-quality and inclusive environment.
- 7.10 Highway Impact
- Whilst the formal response from County Highways could not be provided in time for compiling the report, they kindly submitted interim observations on the plans and supporting documents. This has been helpful and provides assurance that the scheme as proposed can be implemented without detriment to highway efficiency or safety.
- 7.11 The applicant has confirmed that the internal highway network for the wider site will not be offered for adoption, and that this was a matter agreed during consideration of the Reserved Matters application in 2007. The alignment of St George's Quay will be unchanged. For this Phase One development, vehicular access will be taken from St George's Quay due west of the mill. Visibility splays in this location were previously agreed in 2007 and the splays will be 2.4 x 60m. The applicant's Swept Path Analysis has proven that the proposed access will sufficiently accommodate larger vehicles (e.g. refuse lorries, deliveries, etc). In order to aid visibility still further, the applicant is proposing to extend the existing prohibition of the Traffic Regulation Order which controls waiting and loading along St George's Quay. County Highways have confirmed that all highway works would be delivered via a Section 278 (Highway) Agreement.
- 7.12 The temporary 72-space car park on the northern side of the Quay will also maintain visibility splays of 2.4m x 60m. It is an appropriate temporary use of land; particularly, as paragraph 3.3 recalls, an area of land on the northern side of the Quay was approved for a larger, permanent car park in 2007. It will utilise an existing entrance and it will be demarcated with new (temporary) bollards and be gravel-finished. It is likely that the formal highway observations will include a requirement for the first 5m of this access to be hard-surfaced (i.e. not gravel) to prevent the drag of loose material onto the highway. Any conditions recommended by County Highways will be verbally reported to Members.
- 7.13 Cycle and motorcycle parking will be located closer to the Mill, in between the 'Heart Space' and the temporary meadow. 36 cycle spaces will be provided. Motorcycle spaces are to be agreed but the submitted plans notionally indicate 5 spaces.
- 7.14 The extant outline permission will deliver off-site highway works as part of the redevelopment of the wider site. Conditions on that outline consent are described in Section 8 of this report. Otherwise the proposed highway works accord with previous proposals and subject to conditions, there are no objections to the scheme from a highway perspective.
- 7.15 Environmental Impacts
- Despite the existence of the extant outline permission, the applicant has, at the request of the local planning authority, undertaken a further survey report to the Environmental Statement. This survey has confirmed the extent of habitat affecting the application site has predominantly remained unchanged (e.g. areas have been colonised by species such as buddleia), whilst Japanese Knotweed has also been found. The latter will require treatment and removal in accordance with national good practice.
- 7.16 The outline permission contains a planning condition protecting any roosting or hibernation sites for bats. It is accepted that the site is more likely to be suitable as a hibernation site as opposed to a roost, and previous consents have indicated that works to the mill should be undertaken to avoid bat hibernation and breeding seasons (and, additionally, bird breeding season). However the current condition of the mill has rendered it dangerous to enter, and so there is no addendum to previous bat surveys. For this reason it is prudent to condition that an internal survey be undertaken by a qualified ecologist once it has been determined that the mill is safe to enter.
- 7.17 Natural England have previously confirmed that regardless of the close proximity of the site to the Lune Estuary SSSI, the development will "not materially or significantly affect it". The current proposal does not affect this conclusion. Similarly, the development would have no material or significant effects upon the Morecambe Bay SPA, SAC and Ramsar designations.

- 7.18 The proposals will offer considerable landscape gains via the introduction of new planting and potential for habitat enhancement, using locally-native species and new features (e.g. bat and bird boxes) where appropriate.
- 7.19 A new Structural Inspection Report has been produced to accompany the application and this confirms that the partial demolition will be undertaken once further stability checks have been implemented and the need for any further restraint to walls has been provided (if required). The recommended conditions will include a method of demolition to be agreed in writing prior to any works of commencement on site. A range of protective conditions (e.g. noise, dust control) are recommended to protect neighbouring amenity.
- 7.20 Unsurprisingly the survey reveals a substantial state of disrepair with water ingress, timber rot and infestation all present. The building will require re-roofing and new windows and rainwater goods throughout. Other essential works to the fabric will involve external masonry repairs, repainting of steelwork and a “sympathetic” cleaning of the elevations. All these works will be controlled via planning condition.
- 7.21 The works also involve the partial demolition of an existing site wall to create adequate space for the new vehicular access. It is considered that whilst this is an original wall, any desire to retain it in its current location does not outweigh the need to introduce vehicular access to the west of the mill at a point that is appropriate in highway safety terms, with a view to achieving the overriding objective of regenerating this important site. The stone will be retained and will be reused on the site; a new wall will be constructed approximately 17m further west of its present position.
- 7.22 Although the current application does not include the former gasholder site, its location close to the red edge of the application is sufficient to trigger consultation with the Health and Safety Executive (HSE) in relation to previous storage of hazardous substances across the wider site. The City Council resolved to revoke the Hazardous Substance Consents at the 17 October 2011 Planning and Highways Regulatory Committee, and the necessary legal orders have been drafted. The HSE have confirmed that there is no objection to the grant of planning permission.
- 7.23 The land is of course heavily contaminated due to its previous uses and the site has been extensively surveyed in the past as part of the previous planning submissions. All parties are in unison that a Remediation Strategy needs to be agreed and implemented. This Strategy would include a site investigation (walkover), a Remediation Method Statement, agreement as to how to remediate any unforeseen contaminants and – following satisfactory implementation of all the agreed measures – the production of a validation report and certificate
- 7.24 The timing of this work has been the subject of debate, but it is considered that in the case of this stand-alone application, conditions relating to contaminated land can be imposed on any grant of planning permission so that the Strategy is formally agreed and remediation works for the Phase One site are undertaken prior to any conversion works to the building.
- 7.25 Remediation will need to ensure that any adverse impacts, such as seepage of contaminants into the ground, surface water and the river, are avoided. Paragraph 4.1 confirms that the Environment Agency (EA) is satisfied with the proposals subject to the conditions referred to above. With regard to the issue of flood risk, an updated Flood Risk Assessment has been submitted. The EA indicate that the Assessment incorrectly identifies the site as Flood Zone 2, when it is in fact within Flood Zone 3. However the principle of the works remains acceptable subject to a condition requiring the finished floor levels to be agreed. United Utilities have stated that surface water should be drained to the river in a scheme to be agreed with the Environment Agency. The agreement of such a scheme will be a condition on any grant of permission.
- 7.26 The current proposals are, in terms of the quantum of uses being proposed, lower than previously approved in 2007, and lower than those previously assessed in terms of air quality impact. The traffic generated by the proposal is therefore also expected to be lower than that generated by the approved scheme.
- 7.27 Finally, a BREEAM (Building Research Establishment Environmental Assessment Method) predicative assessment has been undertaken and demonstrates that the proposed development has the potential to be rated as BREEAM ‘Very Good’. This is a realistic assessment given the constraints associated with the current proposal. With regard to renewable technologies, the

applicant has investigated all possible solutions and at this stage has confirmed that the use of rooftop-mounted photovoltaic panels and the introduction of air-source heat pumps are favoured. The plant/equipment for the latter can be accommodated on the rooftop. The applicant has also agreed that there are potential gains in terms of rainwater harvesting, green roof technology (subject to there being sufficient space available alongside photovoltaics and air source heat pump plant) and ground source heat pumps.

7.28 The reuse of land and buildings in a sustainable location is welcomed, and taking all the matters above into account, and subject to the imposition of the relevant planning conditions, the proposal is deemed to be appropriate in terms of its impact upon environmental matters.

7.29 Heritage Impact

In terms of PPS5, local planning authorities are advised to assess the particular significance of any element of the historic environment that may be affected by the proposal.

7.30 The mill is an imposing, utilitarian structure that could potentially enjoy a dramatic setting along the riverside. Its setting is however somewhat restricted by the immediate presence of the adjacent railway bridge. Equally, this bridge negates any impact that the mill has – positively or negatively – upon the adjoining Lancaster Conservation Area. This is a view shared by the *Conservation Studio* when they reviewed the Conservation Area boundaries in 2010. Their description of the bridge as being an “emphatic boundary” to the Conservation Area is agreed. Thus the proposal to demolish the closest portion of the mill will not have a negative impact upon the Conservation Area. Instead, the opening-up of the land and provision of high-quality landscaping will link the application site to the Conservation Area underneath the arches of the bridge. This has the potential to be a positive aspect of the submission.

7.31 Whilst the building has architectural merit in terms of its regimented form and also enjoys significance as a result of the nature of its original use and it’s relevance to the city’s development, it is considered that the reduction in the mill’s length will not adversely affect its appearance, local distinctiveness or historic, industrial relevance. Moreover, the reduction in scale allows the building to be considered for viable and realistic re-use. When this is combined with the public realm improvements which will enhance site permeability, it leads us to conclude that any desire to retain the building in its present form is considerably outweighed by the potential to use the retained element of the mill as a focus for place-shaping and creating a sustainable community as part of the wider site redevelopment.

7.32 Paragraph 7.27 discusses options for renewable technologies. It is considered that the building’s height and roof arrangements are conducive to accommodating rooftop technologies and that this will not compromise the building’s setting or appearance, nor will it adversely impact upon the views from or into the Conservation Area.

7.33 The application site area does not affect the area of Luneside East that has significant archaeological interest, namely the Lancaster Potworks. This is an area that is being investigated with a view to consideration for scheduling (i.e. designation as a Scheduled Ancient Monument). Conditions imposed on the outline consent adequately protect this important part of the site; although a condition will be placed on the grant of any consent for the current proposal to advise the applicant that any infrastructure/remediation/highway works should not affect the significance of this historic asset.

7.34 Taking these matters into account, the proposal accords with the provisions of PPS 5 and the Development Plan in relation to heritage matters.

7.35 Other Matters

Paragraph 4.1 explains Network Rail’s position relating to land ownership matters. It is the Council’s position that it can facilitate the first phase development proposed by way of land vested in the ownership of the Council and agreement with National Rail (as a consequence of legal agreements signed in 2007). Any ownership issue does not directly affect consideration of the planning matters; although it will be incumbent on the applicant and the Council as landowner to ensure that any matters are clarified with Network Rail.

- 7.36 In reaching conclusions on all other matters, it is confirmed that the proposal is highly accessible (and will be more so after public transport and highway matters delivered by later phases are implemented), is well-planned in relation to resilience to climate change, would secure a high-quality and inclusive design (subject to agreement of details), will aid local employment and will be a driver for economic and physical regeneration. The proposal conforms therefore with SPG 4 and the general provisions of PPS 4.

8.0 Planning Obligations

- 8.1 The renewed outline permission contains a number of conditions relating to planning contribution matters. Of course, as the City Council is the landowner, a Section 106 Agreement was not sought as the Council is unable to enter into a legal agreement with itself. So the obligations sought for the development (affordable housing provision, delivery of open space, public art, provision of off-site highway works and the provision of bus services) were framed as planning conditions instead.
- 8.2 These conditions are not triggered by the delivery of this first phase of the development. For example, the affordable housing and recreational open space/children's play facilities are not delivered by this commercial phase, but will be enacted upon any future Reserved Matters (or a separate full application) for any part of the residential elements.
- 8.3 The requirement for a 'riverfront art feature' was a condition on the outline consent, and requires details to be submitted prior to development commencing; but the consent rightly excluded any site remediation, engineering or demolition works within the definition of 'development'. It is proposed that this condition be repeated on the grant of any full consent for Phase One, but with a requirement that the details be agreed (along with a programme of implementation) prior to first occupation of the mill.
- 8.4 Similarly the previously-approved off-site highway works (at St Georges' Quay, Long Marsh Lane and Westbourne Road/Station Road) and the provision of bus services were matters that were conditioned so that the details, including a programme for implementation, had to be agreed with the local planning authority. Again this condition allows for works of remediation, engineering and demolition before the details are required to be submitted. It is anticipated that the programme for implementation will be related to delivery of a specific (and yet to be agreed) quantum of the residential elements being brought forward in the future. With this in mind, the recommendation in this report repeats these conditions for clarity.
- 8.5 It should be noted that there is a small section of the applicant's Transport Statement that appears to be incorrect; namely the reference to works required at the Westbourne Road/Station Road junction being unnecessary due to the grant of separate application for hotel development in the locality. This is not the case and these works shall be included in the off-site highway works in the same way as they are included in the recently-renewed outline application.
- 8.6 To conclude this is a reduced scheme when compared to the 2007 Reserved Matters, and the previous outline approvals have established the matters that are to be controlled via condition. Taking 'Planning for Growth' (paragraph 6.1) into account, the conditions previously imposed remain relevant to the redevelopment of the site and it would be inappropriate to over-burden the proposals with further contribution-related requests.

9.0 Conclusions

- 9.1 The Luneside East site has been derelict for a substantial amount of time, and its current, decaying appearance has a detrimental impact not just on the immediate locality, but also on wider perceptions of Lancaster when viewed from the nearby road and railway networks. It is also true that the air of vacancy across the site has the indirect effect of terminating a considerable amount of footfall (with the exception of the successful cycle network) at Carlisle Bridge, thus inadvertently severing connectivity to the Lune Road area of the Marsh and the residential areas beyond. The condition of the site also contributes to an unattractive and, during evening hours, rather intimidating walk to businesses and services that lay beyond the site to the west (Lune Industrial Estate).
- 9.2 This proposal follows the longstanding principles established by permissions granted during the last decade. It is the Council's ambition that regeneration of this site will finally lead to an integration of

areas that are presently closely located, but remain physically detached from each other.

- 9.3 It is encouraging that a full application has now been pursued for Phase One and subject to the necessary remediation matters being undertaken, the imposition of the other conditions listed below and the entry into a Section 278 Highway Agreement, a recommendation of approval is made.

Recommendation

That subject to the (separate) signing of a Section 278 Highway Agreement, Planning Permission **BE GRANTED** subject to the following conditions:

Standard Conditions

1. Standard three-year consent
2. Development to be carried out in accordance with plans
3. Hours of construction, including remediation, engineering and demolition to be restricted to 0800-1800 Monday to Saturday only
4. The use and layout of the ground floor of the premises shall be as stated on Drawing Number AL01 Rev. D (dated February 2011) received on 3 October 2011. The use of the upper floors shall be as stated on Drawing Number(s) AL02 Rev. D, AL03 Rev. D, and AL04 Rev. D (dated February 2011), all of which were received by the local planning authority (LPA) on 3 October 2011.

Conditions Requiring Formal Discharge Prior to Commencement of Any Site Activity

5. Standard contaminated land condition (including site investigation, submission of Remediation Method Statement, treatment of unforeseen contamination and requirement to produce a Validation Report and Certificate) and subsequent approval of all matters by the LPA.
6. Standard condition – prevention of importing of soil and soil materials unless agreed by LPA
7. Standard condition – requirement for asbestos site survey
8. Standard condition – scheme for the control of dust
9. Standard condition – scheme for the assessment and control of environmental noise impacts
10. No impact-driven pile-driving (except where already agreed as part of a scheme for environmental noise control)
11. Standard condition – provision of wheel-cleaning facilities with the site for the duration of all remediation, demolition, engineering, conversion and construction activity
12. Scheme to be agreed with LPA for the route for all demolition, remediation, construction etc traffic, including the transportation of waste material arising from Phase One only
13. Standard condition – bat survey and mitigations to be implemented
14. Standard condition – breeding birds
15. No works other than site remediation (only) to commence until Demolition Method Statement agreed with LPA

Conditions Requiring Formal Discharge Prior to Commencement of Development (but not including Works of Remediation, Engineering or Demolition)

16. Standard condition – assessment of activities that may cause contamination of land/water
17. Surface water drainage to discharge to river subject to agreement with LPA; separate foul drainage systems.
18. Standard condition – finished floor levels to be agreed by LPA
19. Standard condition – full constructional details of access roads, junctions, visibility splays, etc to be agreed with LPA
20. Standard condition – the following details shall be agreed with the LPA:
 - Samples of all external materials, including any new stonework, zinc cladding, zinc roofing material and all public realm treatments and external surfaces
 - Full details of pointing, glazing and curtain walling, canopies, louvres, doors, aluminium windows, new cills and heads, rainwater goods, decking areas, bin store, external seating, rooftop plant area and details of replacement site boundary wall
 - Details of all external lighting
 - Details of any stonework cleaning/restoration
 - Ventilation ducts, fans and motors

- Details of all renewable energy technologies to be incorporated as part of providing at least 10% of the predicted energy requirements arising from the development

21. Standard Landscaping Condition, including details of temporary meadow to be agreed with LPA
22. Standard Condition - Removal of Japanese Knotweed

Conditions Requiring Formal Discharge Prior to Occupation/First Use of the Development

23. All approved car parking spaces and motorcycle spaces to be completed to specification and available for use at all times
24. Details of the covered cycle storage spaces to be agreed with LPA and provided
25. Scheme for the off-site highway improvements as stipulated by the outline consent to be agreed with LPA, along with a Programme of Implementation
26. Scheme for the provision of bus service to serve the site as stipulated by the outline consent to be agreed with LPA, along with a Programme of Implementation
27. Travel Plan for Phase One to be agreed with the LPA and implemented, including a Parking Management Scheme (to prevent commuter parking) and all elements required by Condition 33 of 10/01134/RENU
28. Standard condition – Scheme for the minimisation and dispersal of fumes and odours arising from food preparation and cooking (prior only to first occupation by any A3 use or any A1 use that involves the preparation of food).
29. Scheme for riverfront artwork feature as stipulated by the outline consent to be agreed with LPA along with a Programme of Implementation
30. Scheme for the management of all public realm areas to be agreed with LPA

Conditions in Perpetuity

31. No Phase One work hereby approved shall directly or indirectly affect the nearby Pot House site which shall be the subject of archaeological evaluation as part of the future phases of wider site redevelopment
32. No development to occur within 8m of the inner face of the river defence wall
33. Standard condition - no walls, trees, fences, etc within the visibility splays
34. Standard condition – impervious bunds to any tanks containing oils or chemicals
35. Hours of use of any use on the ground floor of the premises to be restricted to 0900-2300 daily unless otherwise agreed by the LPA
36. Standard condition – no external loudspeakers installation
37. Standard condition – No external storage permitted (except for at approved bin store areas)
38. The converted mill shall achieve at least BREEAM 'Very Good' rating (or equivalent)

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A8</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00852/FUL</p>
<p>Application Site Lancaster Girls Grammar School Regent Street Lancaster Lancashire</p>	<p>Proposal Erection of additional sixth form teaching building with ancillary works</p>	
<p>Name of Applicant Mr The School Governors</p>	<p>Name of Agent Mr Frank McCabe</p>	
<p>Decision Target Date 14 December 2011</p>	<p>Reason For Delay Increase in Officer caseload</p>	
<p>Case Officer</p>	<p>Mr Andrew Holden</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 Lancaster Girls Grammar School is located to the west of the city centre within the Lancaster Conservation Area, accessed via High Street and Lindow Square. The main school entrance is located to the north, off High Street, which is characterised by large stone built properties in predominantly residential use. To the west, the school occupies a prominent and imposing position overlooking the Dallas Road Gardens, separated by Regent Street. To the south, the school abuts properties flanking Lindow Square and to the east, the site adjoins the curtilages of the Almshouses and other properties which are accessed via Queen Street. The original school building (built in 1912-14) fronts Regent Street and is a Grade II Listed structure. The school is extended in an easterly direction with older and more modern development (1960s and 1990s).
- 1.2 The site footprint follows the frontage onto Queen Street which is currently bounded by a coursed random stone wall approximately 2m high. The wall has a central formalised pedestrian entrance and a double gate to its north end to provide a service access for the refuse storage area immediately behind the wall. Immediately abutting the site and within the control/ownership of the applicant is No 12 Queen Street; a Grade II Listed building over 2/3 floors. The building is used as the Art Block for the school. To the north of the site is the Registry Office (Nos. 4 & 6 Queen Street), another Grade II Listed building. The building is separated from the site by a vehicle access to the side to the office. This building is over two floors with a raised ground floor and stepped main entrance. Buildings opposite the site on the east side of Queen Street vary in height and form. All are in commercial use including the Grade II Listed coach house at No 1 and 1b Queen Street.
- 1.3 To the south of the site the buildings are in mainly residential use, predominantly flats with some low key commercial uses. These building are predominantly three storeys in height with varying eaves and ridge heights. Nos. 3 to 7 Queen Street are Grade II Listed buildings. Most of the buildings are stone fronted under natural slate roofs. The stone facings vary including course faced stone and ashlar facings of various widths of courses.
- 1.4 Within the site the land is made over to a semi formal grassed garden area and two semi-mature trees. To the north of the site plot is a hard surfaced and partly enclosed service yard used for the storage of large euro refuse bins. Access to this from Queen Street is made via a pair of double

timber gates. With the path leading further into the school grounds. The recently erected Technology building (built 1993) abuts the application site. The building is over two floors with the ground floor level being significantly higher than the Queen Street frontage. This change in level continues to the east to west with school ground floor levels rising over 8m from the Queen Street to Regent Street frontages.

2.0 The Proposal

- 2.1 The application is seeking to erect a new sixth form building on the site of the current garden and service area to the eastern end of the school plot following the demolition of the curtilage Listed boundary wall to the Queen Street frontage of the school site. The site will front directly onto Queen Street with an entrance into the building from Queen Street. A further two access points are to be provide, one to either side of the building. The northern entrance is a vehicular double gated entrance to act as a service access to the refuse store and the reminder of the lower part of the school. The access to the south alongside No. 12 Queen Street will provide a pedestrian access to the school grounds and a southern access to the building.
- 2.2 The building is three storeys in height and will provide 550 sq.m of gross internal floor area for the Sixth Form Learning Resource Centre. Accommodation within the building will comprise entrance lobby, classroom, interview room, toilets and office on the ground floor. The first floor will house two classrooms and two tutorial rooms. The upper floor will be fully open plan and will be open to the underside of the roof. Both these floors will also provide localised washroom facilities. In addition to the main teaching facilities the building has been designed to incorporate an undercroft at ground floor to house a refuse and plant room.
- 2.3 Externally, the building incorporates a palette of complementary materials. The Queen Street elevation is proposed to use course stone walling, replicating the existing garden wall. The upper two floors are of ashlar stone facing with feature structural glazing detailing formed in zinc to the main Queen Street elevation and also turning the corner of the front elevation onto both gables. The roof is proposed as a simple dual pitched natural slate roof to the main elevation with a flat roof element to the rear.
- 2.4 The gable walls to the main section of the building are to be treated in the same materials as the front elevation with the gable above eaves line clad in zinc. The footprint of the building steps in at the rear to align more closely with the technology building. These set back sections will introduce a full height window detail at the intersection with the wide main section with the remaining wall be constructed of a course stone facing. The roof of this section of the building is to be flat.
- 2.5 The rear of the building will abut the technology building with a three storey wall faced in render with ashlar framing. This will develop a standalone sixth form building but will enable the roof of a modified technology building to abut it and develop a weatherproof finish. A small area of single storey classroom and a dormer will need to be demolished within the technology building to generate a continuous flat frontage to its east elevation.
- 2.6 An array of 24 photovoltaic panels is to be introduced on the south facing roof slope of the technology building. These panels will provide for on-site energy generation and complement the sustainable approach to the heating and ventilation of the building with the use of air sourced heat pumps and heat recovery ventilation system. Existing boilers from an adjacent building are to be reused for this development.

3.0 Site History

- 3.1 The school has an extensive planning history over the last 20 years the most pertinent of which are listed below:

Application Number	Proposal	Decision
98/00473/FUL and 98/00467/LB	Removal of existing classroom and erection of a two storey extension to provide classrooms	Permitted
99/00168/FUL and 99/00184/LB	Erection of extensions to provide an office, 2 classrooms and 3 practice rooms	Permitted

03/00471/FUL and 03/00472/LB	Conversion of roofspaces to teaching accommodation, construction of new staircase/enclosure, extension to existing staircase and construction of lift shaft	Permitted
05/00299/FUL and 05/00300/LB	Erection of classroom/study and store linked to main building	Permitted
0900746/FUL	Erection of a two storey extension to create drama/dance studio, fitness suite and office	Permitted

4.0 Consultation Responses

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

Statutory Consultee	Response
Places Matter	<p>The scheme proposal was presented to Place Matter Design Review in August 2011 and strong concerns were voiced in the subsequent report over the design approach (linking the floor level of the new building to those of the Technology building) and the resultant lack of connection with Queen Street. The principles were agreed including the siting of the block and its scale. The building should maintain the quality of being part of the garden whilst addressing itself to Queen Street and declaring itself to being part of the school. Concern over the lack of access from the building off Queen Street.</p> <p>A second revised scheme was presented to the Design Review panel on 5 September 2011. The panel acknowledged that the revised scheme had taken into consideration much of what was recommended at the first review and considered that the scheme had been strengthened and improved. Some comments were raised over elements of the design: -</p> <ul style="list-style-type: none"> • the number of access points into the site from Queen Street • no lobbies for any of the toilets • the possible loss of the staff office space in the otherwise open plan top floor • consider the upper floor windows to be well sized • treatment of the firewall between the new building and the technology building needs to be considered as it is visible from other buildings on the campus • the concept of a box floating on top of the garden wall is a strong one although questions whether a more sustainable approach could be made for the materials of the box • The use of punched opening to the 'garden wall' rather than full length window would read more strongly.
English Heritage	<p>The site is within the Lancaster Conservation Area and the site contains the Grade II Listed Girls Grammar School and Grade II Listed 12 Queen Street, the development also has an impact on the setting of several nearby and adjacent Grade II Listed buildings. It is considered that the scale, form and massing of the new building appears to respond on the whole sympathetically to existing development on Queen Street.</p> <p>Offers advice over elements of the design and detailing: -</p> <ul style="list-style-type: none"> • Suggests the ground floor central opening is brought forward to reinforce the strong building line and be more responsive to the character of existing development and pavement line frontages of nearby listed buildings • Consideration should be given to reducing the number of openings on the re-ordered frontage to improve legibility • Support the re-use of the door surround and stonework of the existing boundary wall, needs to be controlled by condition <p>The application should be determined in accordance with national and local policy</p>

	guidance and on the basis of specialist conservation advice.
Lancaster Civic Society	<p>The proposed building is considered to be of an appropriate scale for this prominent site and sensitively designed to preserve the character and appearance of the Conservation Area. The Civic Society has no concerns with the proposed development.</p> <p>Some concerns lie with ensuring that the design is not undermined with poor quality material and workmanship. These elements need to be secured by condition.</p>
Conservation Officer	<p>Confirms support for the revised proposals which have been submitted.</p> <p>Refers to the Places Matter Design Review Panel and modifications that resulted.</p> <p>The site is within the Lancaster Conservation Area. There are several heritage assets in the immediate vicinity of the proposed new building. Any new buildings must be in context with the listed buildings adjacent to it and of a scale that makes a significant presence on Queen Street.</p> <p>The partial demolition of the existing modern classroom building is noted and is acceptable.</p> <p>The boundary wall will be demolished and is constructed of random length regular sandstone walling. Some of the stone is a reddened Permo Triassic stone intermingled with buff sandstone. There are also some buff sandstone quoins and good stone door opening surrounds and copings. Ideally the coping stones etc. should be reused where possible. The walling stone will be reused in the new building and this is acceptable.</p> <p>The proposed Archaeological investigation is noted and this is acceptable.</p> <p>An extensive list of conditions is suggested relating to material samples, additional detailing and minor revisions to the scheme.</p>
County Highways	<p>No highway objection.</p> <p>The development will result in fewer numbers of pupils crossing Queen Street and improved accessibility for less mobile students, staff and visitors. Seeks update of the school's Travel Plan to take account of the new teaching block.</p>
Environmental Health	<p>Hours of construction condition recommended. Initially there was no contamination report, given the sensitive end nature of the occupation recommend rejection of the application.</p> <p>Contamination Desk Study has now been submitted and assessed, the risk to the site is considered to be low and subject to confirmation of the findings of shallow trail pits and soil analysis, the study raises no significant issues.</p>
Lancashire Archaeology Service	<p>The site has the potential to contain archaeological remains associated with the nearby roman cemetery as well as medieval and post-medieval. The Service is in agreement with the methodology which should be secured by condition. Programme of archaeological works to be undertaken before any works are commenced on site.</p>
United Utilities	No objections to the proposal.
Tree Officer	<p>There are two early mature Goat Willows identified for removal. The trees are generally in poor overall condition and regarded as having little value outside the application site. There is little opportunity for the planting of on-site replacement trees but agreement has been reached for additional trees to be planted at a ratio of 3 to 1 on land close to the 'astro' turf pitch along with an agreed maintenance regime. Replacement and maintenance regime to be conditioned.</p>

Access Officer	<p>The proposed has taken due account of the needs of mobility impaired people in its design, which is to be commended. There is very good circulation, both horizontal and vertical within the building, but it is unclear how a mobility impaired, or wheelchair using student or staff member would approach the building from the other school buildings as two staircases are proposed.</p> <p>External approach from the rest of the school is a necessary part of accessibility and inclusion and must be taken into account.</p>
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5.0 Neighbour Representations

5.1 No comments received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application is in conformity with the provisions of the Draft NPPF.

Planning for Growth – Minister of State for Decentralisation, Ministerial Statement 23 March 2011. The Statement is capable of regarded as material planning consideration and carries significant weight in determining planning applications. The Statement identifies that planning has a key role in rebuilding Britain's economy. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The answer to development and growth should wherever possible should be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

6.2 National Planning Policy Statements (PPS)

PPS5 sets out the Governments aim to ensure that the historic environment and its historic assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS5 states that policies and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

In this particular case policies HE6 (information requirements), HE7 and HE9 (development affecting heritage assets and relating to designated assets), HE10 (development affecting the setting of heritage assets) are relevant.

6.3 Lancaster District Core Strategy - adopted July 2008

Policy **E1** (Environmental Capital) - seeks to safeguard and enhance the Districts Environmental Capital by ensuring that development in historic areas conserves and enhances a sense of place. This policy also indicates that the Council will resist proposals which would have a detrimental effect on environmental quality and public amenity.

Policy **SC5** (Achieving quality in Design) – seeks to ensure that development proposals achieve the

Core Strategy vision and that new development will be of a quality that enhances the character of the area, results in an improved appearance where conditions are unsatisfactory and compliments and enhances public realm.

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

Policy **E32** (Demolition of Listed Building) - seeks to ensure that demolition of all or part of a listed building is only permitted where it can be demonstrate that the rehabilitation is impractical. Exceptionally demolition may be permitted where redevelopment would produce substantial benefits for the community that would outweigh the resulting loss.

Policy **E33** (Alterations or extension) - seeks to resist the alteration of a listed building which would have an adverse effect on the special character or the buildings or their surroundings.

Policy **E35** (Conservation Areas and their Surroundings) - states that development proposals wh would adversely affect important views into and across a conservation area or lead to an unacceptal erosion of its historic form and layout, open spaces and townscape setting will not be permitted.

Policy **E37** (Demolition) - states that proposals to demolish any building within a conservation area will only be approved where detailed planning permission has been given for a scheme for redevelopment which would preserve and enhance the conservation area.

Policy **E39** (Alterations and Extensions in Conservation Areas) - states that alterations and/or extensions of buildings within the Conservation area will be permitted where; the proposal will not result in the loss or alteration of features which contribute to the special character of the buildings and area; and the design, scale, form, material and quality of the proposal is sympathetic to the character of the building and area.

7.0 Comment and Analysis

7.1 Background to the application submission

The site as whole has been occupied by Lancaster Girls Grammar School since 1913 with the main school building being constructed 1912-14. The school currently has a roll of around 900 pupils, including approximately 320 in the sixth form. Almost all the year 11 students continue onto A level studies along with between 70 and 90 students joining from other schools. Open space is limited at the site with a significant change in ground levels east to west across the site. The application site is one of the only practical locations to direct further development.

7.2 The existing sixth form is currently housed off-campus in Nuttall House (5 Queen St) on the eastern side of Queen Street. The building is not owned by the school and is rented from a private landlord at a cost of £18,000 pa. plus annual insurance The lease is due to expire in September 2012 with use of the building beyond this date, requiring entry into a further 10 year lease. The building is on a full maintenance lease and is currently in need of extensive repair and would need considerable investment to both maintain the building and bring it up to a more appropriate standard for the schools educational needs. A preliminary figure of £300,000 has been identified. The building is also unsuitable for staff and student with mobility issues and involves significant movements across Queen Street.

7.3 Against this background Governors are concerned that there could be considerable investment into a building which has severe limitations and may only result in occupation for a further ten years. Improve facilities for the landlord rather than for the long term benefit of the school. Consequently, in May 2011 agent were appointed and a successful bid for funding from the School Academies Capital Maintenance Fund secured in July 2011.

7.4 Pre-planning Consultations

The project has been the subject of early discussion in June 2011 with the local planning authority with consideration over the proposed siting and impact of the building. Further to this dialogue a scheme was developed and presented to Places Matter Design Review in August 2011. The review raised a number of issues and gave direction for further exploration and development. A second reiteration was presented in September 2011 which was favourably received with again a number of

minor aspects for consideration. A wider account of the responses is set out earlier in the report under Consultation Responses (Section 4). The planning application was submitted having considered the aspects raised in the Review where feasible and financially practicable.

7.5 The Heritage Assets

The Government's overarching aims for the historic environment are set out in PPS5 which advocates that heritage assets (which includes Listed buildings) should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government's objectives for development relating to heritage assets is that it should recognise that heritage assets are a non-renewable resource and take account of the wider social, cultural, economic and environmental benefits of the conservation of the heritage asset. PPS5 also states that wherever possible, heritage assets should be put to an appropriate and viable use that is consistent with their conservation and the positive contribution of such heritage assets to local character and sense of place should be recognised and valued.

7.6 The principle issues for Members to consider in the determination of this application relate to the impact of the development upon the character and appearance of the neighbouring Listed buildings and the setting of the Lancaster Conservation Area. The Lancaster Conservation Area being a recent (May 2011) merger of three separate conservation areas, Lancaster City, Castle and Moor Lane Conservation Areas.

The Listed buildings which lie close to the site are:-

- The Grade II Lancaster Girls Grammar School building and associated curtilage wall
- Grade II - Nos. 1 & 1b Queen Street
- Grade II – Nos. 3 to 7 Queen Street
- Grade II – Nos. 4 & 6 Queen Street
- Grade II – No. 12 Queen Street
- Grade II - Almshouses

7.7 The development has a direct impact upon the curtilage wall fronting Queen Street as it is seeking its demolition and subsequent rebuild as part of the ground floor external wall to the proposed new sixth form building. This approach has been considered by Places Matter, English Heritage, the Council's Conservation Officer and Lancaster Civic Society and has not raised concern. The design of the new building seeks to retain the essence of the walled boundary with the use of coursed stone on the ground floor and ashlar stone facings to the upper floors, creating a separation of the ground floor from the remaining building with the introduction of a horizontal window around the three main elevations of the building and the offsetting of the wall alignment. The design concept is of a stone box floating above the garden wall. The materials of the wall and the stone surrounds are to be reused within the scheme.

7.8 The neighbouring properties 4/6 Queen Street and 12 Queen Street are also both Listed buildings. 4/6 Queen Street. is of a similar scale to the proposed building but will have a slightly lower ridge height. The gable of this office building also has a number of windows which will face towards the site at a distance of approximately 10m. The proposed gable has only a limited range of windows facing this building at a distance which is considered acceptable for such a city centre location. No. 12 Queen Street, again a Grade II Listed building is of a lesser height with only two minor windows to the side elevation. A single storey element to the north of the building aids separation of the two buildings. The relationship of the proposed building to this listed building is considered acceptable to the main historical consultees.

7.9 Nos. 1 & 1b Queen Street is a single storey coach house directly opposite the application which is used for commercial purposes. The building is subservient to the main building to the north and other existing building immediately to the south and east of it. The relationship of the new sixth form building is not considered to unduly affect the Listed building or its setting.

7.10 The remaining terrace of buildings, 3 to 7 Queen Street and the Almshouses off Queen Street to the south of the application site are not considered to directly relate to the application site and will not be affected by the development of the new building.

7.11 Conservation Area Setting

The application is seeking to develop a new three storey building on the otherwise built frontage of Queen Street. Queen Street as a whole has significant variations in the scale and massing of buildings with variations in eaves lines and ridge heights. The general scale of the building and its massing have received favourable comments from the heritage consultees as well as Places Matters as part of the pre-application design development. The proposed building has a taller eaves and ridge than neighbouring buildings but is considered to make a statement within the street scene as an educational building. Overall, the introduction of a building in this location is considered to enhance the immediate setting of the conservation area and provide a contemporary purpose built development in a local vernacular utilising both modern and traditional materials.

7.12 Building Design

As detailed earlier in the application, the scheme has been subject to two reviews from Places Matter. This scheme in its substantive form has received support. The revised scheme was considered to be strengthened and improved as a result of the revisit. A number of further aspects were raised for further consideration and the scheme has addressed ones which were practical and financially feasible.

7.13 This approach to pre-application development has resulted in strong support for the scheme from both national and local consultees. There are however some elements of the design which have been raised directly with the agent. The concept of the scheme as a box floating above a garden wall is considered to be weakened by the introduction of a window to the Queen Street elevation for the sixth from office. The linking of this window to the horizontal band of windows creating the separation of the 'garden wall' to the upper floors further weakens the concept. The applicant has been approached over the loss of the window or if considered vital for school/pupil security a window is punched through the wall in line with comments made by Places Matter. Any design updates will be presented verbally.

7.14 The development of a freestanding building to enable accessible levels and a relationship of the building to Queen Street has resulted in the rear wall of the building being a three storey wall part of which projects above the roof slope of the Technology building. This unfortunately provides for a poor relationship between the terminated Technology building and the rear of the new development. The rear wall has no public aspect but can be viewed from limited locations within the school grounds. The wall is proposed to be framed by ashlar facings with the remaining area proposed to be grey wet dash to reflect the technology building.

7.15 This material was considered unsuitable as it did not relate to the new building and conflicted with the proposed materials for the scheme. Again, the applicant has been approached to revise this material. A self coloured render has been suggested to provide cohesion with the proposed palette of materials and a low maintenance cost effective finish to this relatively inaccessible area of the building.

7.16 The agent has provided an early indication that the render to the rear wall is acceptable in principle and will provide confirmation of the removal of the ground floor window to the Queen Street elevation or a redesign of the window in time for the committee meeting.

7.17 Whilst the scheme has the support of the consultees, precise details of a number of the elements of the building will require to be conditioned along with agreement of material samples for the scheme. The scheme is currently being developed and is already the subject of some detailed drawings and tendering. The development, if approved, has to be built to very tight timescales. The school intend to have the building open and available for use by September 2012. In order to expedite the development process the request to undertake works to the two trees on the site has already been submitted and approved along with a scheme of replacement planting. The trees have been felled, contamination sampling undertaken and the archaeological investigation is currently underway. This will hopefully allow the handover the site to contractors at the earliest possible stage to enable the tight deadlines for development to be met.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The development has been the subject of extensive pre-application design discussions and the submitted scheme has gained the support of all the heritage consultees. The development is considered to enhance the setting of the Lancaster Conservation Area introducing a contemporary building which makes a statement in the street. The development will result in the loss of curtilage Listed boundary wall but this form is to be replaced and incorporated into the design of the building. The design approach is considered to be a sympathetic one which does not unduly impact upon the designated heritage assets in the area. Subject to conditions to agree the finer details of the scheme in addition to material samples, the application should be supported.

Recommendation

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

1. Standard Three year time limit
2. Development to be undertaken in accordance with the approved plans
3. Amended plans - render to rear wall and front window detail
4. Archaeology investigation to be undertaken
5. Additional Tree planting to be agreed and implemented
6. Tree maintenance regime to be agreed
7. Tree protection scheme to be implemented as the approved arboricultural report
8. Re-use of boundary stone wall material and door surround within the scheme.
9. Update of School Travel plan including regular monitoring, audit and update.
10. Sample of roofing slate to be provided for the approval of the LPA.
11. Details of roof ridge, verges and eaves to be provided for the approval of the LPA.
12. Details of any rain water pipes/outlets to be provided to the approval of the LPA.
13. Details of the new gates including colour facing Queen Street to be agreed to the approval of the LPA.
14. A sample panel of the re-used sandstone walling incl. the use of the quoins and incl. hydraulic lime mortar pointing to be provided to the approval of the LPA.
15. A specification of any cleaning of the salvaged sandstone walling material and a sample is to be provided to the approval of the LPA.
16. Details of the coursing and jointing of the new ashlar sandstone walling and window reveal setback is to be provided to the approval of the LPA.
17. A sample of the new ashlar stone is to be provided for the approval of the LPA.
18. Details of the windows and external doors incl. colours is to be provided to the approval of the LPA.
19. A sample of the zinc material and details of the zinc cladding panels and projecting surrounds incl. rain water drainage disposal is to be provided to the approval of the LPA.
20. Details at the base and top of the sandstone ashlar walling is to be provided to the approval of the LPA.
21. Details of the canopy are to be provided to the approval of the LPA.
22. Details of the rooflights are to be provided for the approval of the LPA.
23. The rear elevation to be finished in Weber Monocouche render EARTH ref 012 (or similar to be approved by the LPA) to match the sandstone masonry rather than a rough cast render to the approval of the LPA.
24. Details of the fixing method and colour / finish of the photo voltaic panels are to be provided to the approval of the LPA.
25. Hours of construction – 0800-1800 Mon to Fri, 0800-1400 on Sat

Human Rights Act

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

Background Papers

None.

Agenda Item A9	Committee Date 12 December 2011	Application Number 11/00865/LB
Application Site Lancaster Girls Grammar School Regent Street Lancaster Lancashire	Proposal Listed Building Consent for the demolition of boundary wall to Queen Street, Lancaster	
Name of Applicant The School Governors	Name of Agent Mr Frank McCabe	
Decision Target Date 14 November 2011	Reason For Delay Increase in Officer caseload	
Case Officer	Mr Andrew Holden	
Departure	N/A	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The application site is located within the Lancaster Conservation Area and currently forms the boundary between the Lancaster Girls Grammar School site and Queen Street. The boundary wall is considered to be a curtilage Listed wall to the neighbouring 12 Queen Street as it formed part of the garden to this property in the 19th century. The boundary wall is approximately 2 metres in height and is constructed of random length regular sandstone. The wall has two entrances into the school grounds, a double timber gate to the north end of the wall for vehicular access and a stepped formal pedestrian entrance centrally located with a stone surround and pediment. A stone coping runs the full length of the boundary wall.

2.0 The Proposal

- 2.1 The proposal is part of a much larger scheme (application 11/00852/FUL, the agenda item which preceded this application) which seeks to develop a three storey new sixth form building on the school site frontage with Queen Street. The development of the new building will require the demolition of the current coursed stone boundary wall which currently fronts the school site. The new scheme seeks to incorporate a new boundary wall of similar height and materials to the original with the upper two floors of the building built in differing stone 'floating' above the boundary wall.

3.0 Site History

- 3.1 The school has an extensive planning history over the last 20 years the most pertinent of which are listed below:

Application Number	Proposal	Decision
98/00473/FUL and 98/00467/LB	Removal of existing classroom and erection of a two storey extension to provide classrooms	Permitted
99/00168/FUL and 99/00184/LB	Erection of extensions to provide an office, 2 classrooms and 3 practice rooms	Permitted
03/00471/FUL and	Conversion of roofspaces to teaching accommodation,	Permitted

03/00472/LB	construction of new staircase/enclosure, extension to existing staircase and construction of lift shaft	
05/00299/FUL and 05/00300/LB	Erection of classroom/study and store linked to main building	Permitted
0900746/FUL	Erection of a two storey extension to create drama/dance studio, fitness suite and office	Permitted

4.0 Consultation Responses

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

Consultee	Response
English Heritage	The consultee has not responded directly to this application but has provided a wider response to the whole scheme incorporating the demolition of the curtilage Listed wall. The approach taken to developing the scheme has sought to replace the boundary wall with a replacement which maintains the appearance of a formal boundary wall to the site with a building 'floating' above it. This approach is considered to respond on the whole sympathetically to existing development on Queen Street.
Conservation Officer	<p>The Conservation officer has provided a comprehensive response in respect of the whole development which is broken down into specific elements. The comment in respect of the demolition of the curtilage listed wall stated: -</p> <p>Historical background - Queen Street was developed later in the 18th century with new houses being built in Queen Square and Queen Street. The site of the new building was occupied by two modest houses built in c.1820s These houses were demolished between 1957 and 1968. The property adjacent is a late 18th century house which was extensively altered and extended in the 19th century. The boundary wall which fronts Queen Street formed part of a walled garden to the house and is part of the listed building. This building described as a Vicarage in c.1910 is now in use by LGGS. 4 and 6 Queen Street is the Registry Office a grade II Listed building of the late 18th century and 19th century.</p> <p>Demolition - The boundary wall will be demolished and is constructed of random length regular sandstone walling. Some of the stone is a reddened Permo Triassic stone intermingled with buff sandstone. There are also some buff sandstone quoins and good stone door opening surrounds and copings. Ideally the coping stones etc. should be reused where possible. The walling stone will be reused in the new building and this is acceptable.</p>

5.0 Neighbour Representations

5.1 No comments received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 National Planning Policy Statement 5 (**PPS5**) - sets out the Governments aim to ensure that the historic environment and its historic assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS5 states that polices and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

In this particular case policies HE6 (information requirements), HE7 and HE9 (development affecting heritage assets and relating to designated assets), HE10 (development affecting the setting of heritage assets) are relevant.

6.2 Lancaster District Core Strategy - adopted July 2008

Policy **E1** (Environmental Capital) - seeks to safeguard and enhance the Districts Environmental Capital by ensuring that development in historic areas conserves and enhances a sense of place. This policy also indicates that the Council will resist proposals which would have a detrimental effect on environmental quality and public amenity.

Policy **SC5** (Achieving quality in Design) - seeks to ensure that development proposals achieve the Core Strategy vision and that new development will be of a quality that enhances the character of the area, results in an improved appearance where conditions are unsatisfactory and compliments and enhances public realm.

6.3 Lancaster District Local Plan (saved policies) - adopted April 2004

Policy **E32** (Demolition of Listed Building) - seeks to ensure that demolition of all or part of a listed building is only permitted where it can be demonstrate that the rehabilitation is impractical. Exceptionally demolition may be permitted where redevelopment would produce substantial benefits for the community that would outweigh the resulting loss.

Policy **E33** (Alterations or extension) - seeks to resist the alteration of a listed building which would have an adverse effect on the special character or the buildings or their surroundings.

Policy **E35** (Conservation Areas and their Surroundings) - states that development proposals wh would adversely affect important views into and across a conservation area or lead to an unacceptal erosion of its historic form and layout, open spaces and townscape setting will not be permitted.

Policy **E37** (Demolition) - states that proposals to demolish any building within a conservation area will only be approved where detailed planning permission has been given for a scheme for redevelopment which would preserve and enhance the conservation area.

Policy **E39** (Alterations and Extensions in Conservation Areas) - states that alterations and/or extensions of buildings within the Conservation area will be permitted where; the proposal will not result in the loss or alteration of features which contribute to the special character of the buildings and area; and the design, scale, form, material and quality of the proposal is sympathetic to the character of the building and area.

7.0 Comment and Analysis

7.1 The wider application to develop a three storey building at the site and the consequential loss of the original boundary wall has been the subject of pre-application discussion with the Conservation Officer and gained the support of the heritage consultees as part of the wider application consideration.

7.2 The wall is curtilage Listed, historically forming the garden boundary wall to the adjacent No. 12 Queen Street and is a heritage asset. Planning guidance recognises that such assets are a non-renewable resource and careful consideration should be given to the loss of such assets. Guidance also acknowledges that intelligently managed change may sometimes be necessary if the wider heritage assets are to be maintained in the future.

7.3 The scheme submitted under planning application 11/00852/FUL acknowledges the significance of the wall in providing historical context of the garden boundary to the site. The design of the new building has been undertaken in a way which will reinstate a formal boundary wall built on the same line and constructed of similar materials and scale to the original whilst enable a new building to be developed above.

7.4 Whilst the loss of the wall could not be supported in isolation, the development of a new building which incorporates a replacement wall in a form which reflects its historical nature is considered to be an acceptable approach to developing a new building whilst referring to the historical form of the

boundary. Suitable conditions would need to be attached to ensure the removal of the wall is not undertaken without the implementation of the scheme for the new sixth form building and that the stone walling and surrounds are kept and incorporated into the new building.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Whilst acknowledging the loss of this heritage asset it is considered that the proposed sixth form scheme will reinstate a formal boundary wall built on the same line and constructed of similar materials and scale. It will also enable a much needed educational building to be provided within the grounds of the school to serve to needs of the school for the future. Subject to conditions to ensure that demolition does not take place until a replacement scheme is approved and a contract entered into, the application should be supported.

Recommendation

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

:

1. Standard listed building consent
2. Works to be undertaken in accordance with the approved scheme
3. No buildings to be demolished until planning consent is granted for redevelopment and a contract for the works entered into
4. Site management plan for demolition
5. Hours of site clearance and demolition restricted 0800-1800 Mon to Fri and 0800-1400 Saturdays only
6. Reuse of stone and door surrounds to be incorporated within the approved building scheme

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A10</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00853/CON</p>
<p>Application Site Lancaster Girls Grammar School Regent Street Lancaster Lancashire</p>	<p>Proposal Conservation Area Consent for demolition of part of technology building to allow the construction of new sixth form teaching building</p>	
<p>Name of Applicant The School Governors</p>	<p>Name of Agent Mr Frank McCabe</p>	
<p>Decision Target Date 9 November 2011</p>	<p>Reason For Delay Increase in Officer workload</p>	
<p>Case Officer</p>	<p>Mr Andrew Holden</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 The application site relates to Lancaster Girls Grammar School. The School is located to the west of the city centre within the Lancaster Conservation Area, accessed via High Street and Lindow Square. The main school entrance is located to the north, off High Street, which is characterised by large stone built properties in predominantly residential use. To the west, the school occupies a prominent and imposing position overlooking the Dallas Road Gardens, separated by Regent Street. To the south, the school abuts properties flanking Lindow Square and to the east, the site adjoins the curtilages of the Almshouses and other properties which are accessed via Queen Street. The original school building (built in 1912-14) fronts Regent St. and is a Grade II Listed structure. The school is extended in an easterly direction with older and more modern development (1960s and 1990s).
- 1.2 The site footprint follows the frontage onto Queen Street which is currently bounded by a coursed random stone wall approximately 2m high. The wall has a central formalised pedestrian entrance and a double gate to its north end to provide a service access for the refuse storage area immediately behind the wall. Immediately abutting the site and within the control/ownership of the applicant is No 12 Queen Street, a Grade II Listed building over 2/3 floors the building is used as the Art block for the school. To the north of the site is the Registry Office (Nos. 4 & 6 Queen Street), another Grade II Listed building. The building is separated from the site by a vehicle access to the side to the office. This building is over two floors with a raised ground floor and stepped main entrance. Buildings opposite the site on the east side of Queen Street vary in height and form. All are in commercial use including the Grade II Listed coach house at No 1 and 1b Queen Street.
- 1.3 To the south of the site the buildings are in mainly residential use, predominantly flats with some low key commercial uses. These building are predominantly three storeys in height with varying eaves and ridge heights. Nos. 3 to 7 Queen Street are Grade II Listed buildings. Most of the buildings are stone fronted under natural slate roofs. The stone facings vary but include course faced stone and ashlar facings of various widths of courses.
- 1.4 Within the site the land is made over to a semi formal grassed garden area and two semi-mature trees. To the north of the site plot is a hard surfaced and partly enclosed service yard used for the

storage of large euro refuse bins. Access to this from Queen Street is made via a pair of double timber gates with the path leading further into the school grounds. The recently erected Technology building (built 1993) abuts the application site. The building is over two floors with the ground floor level being significantly higher than the Queen Street frontage. This change in level continues to the east to west with school ground floor levels rising over 8m from the Queen Street to Regent Street frontages.

2.0 The Proposal

2.1 The application is seeking Conservation Area Consent for the demolition of a small section of the east end of the existing Technology building (built in 1993). The building is over two floors with the eastern end of the building terminating in a cat slide slate roof to a single storey projection with a dormer window above. The proposal is directly related to and as a consequence of planning applications 11/00852/FUL and 11/00865/LB which seek to develop a new sixth form teaching block on open land to the east of the technology building and the Queen Street boundary. The footprint of the proposed sixth form block overlaps that of the existing technology building. This is the area which consent is sought and measures approximately 7m x 3m. The exposed end of the technology building will be closed off by the proposed ‘fire wall’ to the new sixth form building.

3.0 Site History

3.1 The school has an extensive planning history over the last 20 years the most pertinent of which are listed below:

Application Number	Proposal	Decision
98/00473/FUL and 98/00467/LB	Removal of existing classroom and erection of a two storey extension to provide classrooms	Permitted
99/00168/FUL and 99/00184/LB	Erection of extensions to provide an office, 2 classrooms and 3 practice rooms	Permitted
03/00471/FUL and 03/00472/LB	Conversion of roofspaces to teaching accommodation, construction of new staircase/enclosure, extension to existing staircase and construction of lift shaft	Permitted
05/00299/FUL and 05/00300/LB	Erection of classroom/study and store linked to main building	Permitted
0900746/FUL	Erection of a two storey extension to create drama/dance studio, fitness suite and office	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees (for details of responses from the National Amenity Societies, see the full report 11/00852/FUL, also on this agenda).

Statutory Consultee	Response
Conservation Officer	Comments are provided in full on the previous, full report. No objections subject to conditions.

5.0 Neighbour Representations

5.1 No comments received within the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 National Planning Policy Statement 5 (PPS5) - sets out the Governments aim to ensure that the historic environment and its historic assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS5 states that polices and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

In this particular case policies HE6 (information requirements), HE7 and HE9 (development affecting heritage assets and relating to designated assets), HE10 (development affecting the setting of heritage assets) are relevant.

6.2 Lancaster District Core Strategy - adopted July 2008

Policy **E1** (Environmental Capital) - seeks to safeguard and enhance the Districts Environmental Capital by ensuring that development in historic areas conserves and enhances a sense of place. This policy also indicates that the Council will resist proposals which would have a detrimental effect on environmental quality and public amenity.

Policy **SC5** (Achieving quality in Design) - seeks to ensure that development proposals achieve the Core Strategy vision and that new development will be of a quality that enhances the character of the area, results in an improved appearance where conditions are unsatisfactory and compliments and enhances public realm.

6.3 Lancaster District Local Plan (saved policies) - adopted April 2004

Policy **E35** (Conservation Areas and their Surroundings) - states that development proposals which would adversely affect important views into and across a conservation area or lead to an unacceptable erosion of its historic form and layout, open spaces and townscape setting will not be permitted.

Policy **E37** (Demolition) - states that proposals to demolish any building within a conservation area will only be approved where detailed planning permission has been given for a scheme for redevelopment which would preserve and enhance the conservation area.

Policy **E39** (Alterations and Extensions in Conservation Areas) - states that alterations and/or extensions of buildings within the Conservation area will be permitted where; the proposal will not result in the loss or alteration of features which contribute to the special character of the buildings and area; and the design, scale, form, material and quality of the proposal is sympathetic to the character of the building and area.

7.0 Comment and Analysis

- 7.1 This application forms part of a series of applications seeking the development of a new sixth form building and should be considered in the context of the previous agenda items – 11/00852/FUL and 11/00865/LB.
- 7.2 The principle issues for Members to consider in the determination of this application relates to the impact of the loss of this section of building upon the character and appearance of the neighbouring Listed buildings and the setting of the Lancaster Conservation Area. The Lancaster Conservation Area being a recent (May 2011) merger of three separate conservation areas, Lancaster City, Castle and Moor Lane Conservation Areas. In practice, the application for the partial demolition of the eastern end of the technology building cannot be considered in isolation. The works for the demolition of the small section of the buildings will only occur following the grant of consent for the sixth form building and its subsequent commencement.
- 7.3 The new sixth form building will abut the end of the technology building and screen it from any public views from Queen Street or indeed from further afield. The resultant demolition will only be visible from within the school grounds and will be seen as an amended pitched roof form which abuts the rear wall to the new sixth form building.
- 7.4 The whole approach to the development of this site has been the subject of pre-application discussions and has gained support from the heritage consultees. It is not considered that the demolition and remodelling of the eastern end of the modern technology building will have any

undue impact upon the character of the Lancaster Conservation Area.

8.0 Planning Obligations

8.1 N/A.

9.0 Conclusions

9.1 Subject to appropriate conditions to control the timing and implementation of the works, the application should be supported.

Recommendation

That Conservation Area Consent **BE GRANTED** subject to the following conditions:

1. Standard Conservation Area 3 year time limit
2. No buildings to be demolished until planning consent is granted for redevelopment and a contract for the works entered into.
3. Site management plan for demolition.
4. Hours of site clearance and demolition restricted 0800-1800 Mon to Fri and 0800-1400 Saturdays only.

Human Rights Act

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

Background Papers

None.

Agenda Item A11	Committee Date 12 December 2011	Application Number 11/00861/VCN
Application Site Land At Mossgate Park Mossgate Park Heysham Lancashire	Proposal Reserved Matters Application for the erection of 395 dwellings including associated infrastructure and public open space (Pursuant to variation of condition 2 to vary house type and footprint on 5 plots)	
Name of Applicant Mr John Bennett	Name of Agent	
Decision Target Date 6 January 2012	Reason For Delay N/A	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 Mossgate Park is located at the south east corner of Heysham, covering an area of c45 hectares. This application relates to one phase of this larger (predominantly) residential development. The site is situated on raised land to the west of Heysham Moss with views stretching across the flat flood plain towards Lancaster and the Bowland Fells beyond. The surrounding land to the north, south and west of the application site has recently been developed, or is in the process of being developed for new housing and associated open space.

2.0 The Proposal

- 2.1 The application seeks to vary condition 2 (approved plans) on planning permission 06/01000/REM to vary the house footprints and types on 5 plots within Phase 3 of the Persimmon Homes development at Mossgate Park. The approved plans under condition 2 show 5 properties in the north west corner of Phase 3. The footprints of the proposed houses will change on all 5 of these plots, but the house types will only change on 2 of the plots.

3.0 Site History

- 3.1 Mossgate has a long and detailed site history, but the applications most relevant to the current planning application are set out below:

Application Number	Proposal	Decision
93/01139/OUT	Outline application for residential development of 45 hectares including sports complex, pub and shops	Approved
01/01295/FUL	Renewal of outline consent for a further three years until 31 January 2005	Approved by the Secretary of State in 2005
06/01000/REM	Reserved Matters Application for 395 dwellings including associated infrastructure and public open space	Approved

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objection.

5.0 Neighbour Representations

5.1 No comments have been received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is in general conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 National Planning Policy Statements (PPS)

PPS1 (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in **PPG 13 - Transport**. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS3 (Housing) - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously-developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing.

6.3 Lancaster District Core Strategy – adopted July 2008

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 90% of new dwellings to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC5** (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

6.4 Lancaster District Local Plan – adopted April 2004

Policy **H12** (Layout, Design and Use of Materials) - new housing developments will only be permitted which exhibit a high quality of design and local distinctiveness.

Policy **H19** (Site Layout and Amenities) – in Lancaster, Morecambe, Heysham and Carnforth, new residential development within existing housing areas will be permitted where there is no loss of open/green spaces, it does not adversely effect the amenities of nearby residents, it provides high standard of amenity, and it makes satisfactory provision for disposal of sewerage, waste water, servicing, access and car and cycle parking.

7.0 Comment and Analysis

7.1 Design and Layout

The proposal is acceptable in planning terms. The road and landscape layout remains unchanged. The applicant is only changing the size of 5 plots to accommodate a slightly different mix of housing, based on feedback from their sales team. The changes to house types is simply a matter of changing one approved house type for another already used within this phase of the development. In this case, the developer is seeking to develop two 3-bed detached houses (Hereford) in place of two 4-bed detached houses (Chesterton and Thirlmere). As for the plot sizes, they maintain at least 50 sq.m of private amenity space to the rear of the properties in line with the Council's standards for new housing.

8.0 Planning Obligations

8.1 There is a legal agreement in place for this development under the renewed outline planning application (01/01295/FUL). The terms of the agreement cover the following:

1. 20% affordable housing (67% affordable rented and 33% discount sales)
2. Spine road to be completed before the occupation of the 500th unit
3. Payment of £707,000 for construction of an all weather sports pitch, the construction of a community hall capable of supporting sports and community functions, and the provision of such other community facilities including a rail halt.

This obligation has been complied with in respect of the payment of the sum towards community facilities, albeit the rail halt has not been provided. The development plan policy requiring its provision has been “struck out” and no longer constitutes an aspiration of the City Council given long unproductive discussions with Network Rail on the matter. However, the sum will be used in its entirety on delivering the sport and recreation facilities listed (subject to another planning application – 09/00668/FUL). The developers are also complying with the requirements of legal agreement in terms of the provision of affordable housing, and this is being monitored by the Housing and Policy Team. The spine road has not been delivered despite more than 500 dwellings being occupied, and therefore both Persimmon Homes and Miller Homes are in breach of their obligations. The Local Planning Authority (LPA) is pursuing the developers in this regard as this road will form part of an important bus route in due course. The reason for the delay has been attributed, in part, to inaccurate infrastructure plans and the road following the general route of one of the main water supply pipes in the area. It is understood that this pipe route has now been identified but new technical plans are still awaited that will form part of the developer's package of Section 38 drawings for the adoption of the road. The LPA will continue to pursue this matter to ensure the earliest possible delivery of the spine road.

8.2 The obligations set out in the legal agreement must be linked to the new permission and therefore a Deed of Variation is required to tie the two elements together.

9.0 Conclusions

9.1 For the reasons set out above, the application is recommended for approval, subject to a Deed of Variation being signed and completed.

Recommendation

That Planning Permission **BE GRANTED** subject to a Deed of Variation being signed and completed to link the new permission to the existing legal agreement, and to the following conditions:

1. List of approved plans
2. Development in accordance with approved plans
3. Materials
4. Boundary treatments
5. Landscaping scheme
6. Soft landscaping specification
7. Landscaping phasing
8. Tree and hedge protection plan
9. Landscape maintenance plan
10. Landscape maintenance - minimum 5 years
11. Spine road completion before completion and occupation of 250 dwellings
12. Drainage infrastructure
13. Traffic calming scheme on Kingsway
14. Car parking provision
15. Cycle storage
16. Construction hours - 0800-1800 Monday to Saturday only
17. Traffic calming on estate roads
18. Protection of visibility splays
19. Construction details of proposed access roads
20. Protection of forward visibility splays

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A12</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00818/VCN</p>
<p>Application Site Anchor Buildings Westgate Morecambe Lancashire</p>	<p>Proposal Change of use of warehouse and office premises to retail use (in part) and external alterations (Pursuant to vary conditions 3 and 4 to allow sale of bulky goods to an extended retail area of 200sqm</p>	
<p>Name of Applicant Ian Rawlins</p>	<p>Name of Agent</p>	
<p>Decision Target Date 6 December 2011</p>	<p>Reason For Delay Committee cycle</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

- 1.1 The 0.75 ha application site is located on the south side of Westgate on the outskirts of Morecambe. The portal framed industrial type building was last used as a storage and distribution (B8) warehouse (480 sq.m) with ancillary A1 retail (80 sq.m, though restricted to the sale of cut flowers and related items) on the ground floor. There is also 420 sq.m of office (B1) space on the first floor. The front elevation has a 'retail styled' frontage to Westgate due to the large glazed sections.
- 1.2 The north side of Westgate, opposite the application site, is characterised by single storey, semi-detached residential properties. The south side, by contrast, has a mix of building types and uses, including 2 tyre outlets, carpet clearance centre, a vehicle repair garage, Focus DIY store, semi detached 2 storey houses and a large car park for 2 Sisters (prepared poultry products).
- 1.3 The site is allocated as an Existing Employment Area (White Lund) in the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 The application seeks to vary conditions 3 and 4 on planning permission 02/00970/CU to allow sale of bulky goods to an extended retail area of 200 sq.m.

The rear ground floor area (360 sq.m) would continue to be used for B8 use with the front ground floor area (200 sq.m) used as a bulky goods retail unit for the sale of sofas and related furniture items. The retail space would share on site car, cycle and motorcycle parking with the building's other uses (B1 offices and B8 storage and distribution). The building has a loading bay and turning area for small commercial vehicles.

3.0 Site History

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

Application Number	Proposal	Decision
02/00970/CU	Change of use of warehouse and office premises to retail use (in part) and external alterations	Permitted
11/00093/CU	Change of use and sub-division of existing commercial building into one milk delivery unit and one bulky goods retail unit	Refused
11/00444/CU	Change of use and sub-division of existing commercial building into one milk storage and delivery unit and one bulky goods retail unit, with the first floor to remain as offices	Refused

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>There is no issue with the uses proposed, only with the implications on levels of parking, resulting from the changes of use.</p> <p>The Highway Authority has good reason to question the adequacy of the parking levels and is not prepared to accept a level of parking that may result in additional parking being transferred onto neighbouring streets. These streets already suffer as a result of inadequate parking provision from neighbouring developments, which is compromising road safety.</p> <p>The site scores at the low end of medium accessibility, using the County Council's nonresidential accessibility questionnaire. Furthermore, the applicant's own statement is that the retail use is for bulky goods, which by their very definition will require vehicular transport, parking close to the point of purchase. This emphasises the need for adequate levels of parking on site and against the risk of further parking on the public highway.</p> <p>Therefore, despite the applicant's attempt to justify the parking levels, I have no option but to yet again recommend refusal.</p>
Environmental Health	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> ▪ Hours of operation (09.00 to 20.00 Mon to Sat and 10.00 to 16.00 Sun) ▪ Hours of deliveries (09.00 to 18.00 Mon to Sat only)
Morecambe Town Council	No comments have been received during the statutory consultation period.

5.0 Neighbour Representations

5.1 No comments have been received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is not in conformity with the provisions of the Draft NPPF as the proposal cannot be

defined as being sustainable given it is a retail proposal in an out of centre location, which undermines regeneration priorities for the local shopping centre (as set out in Section 7 below).

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – ‘**Planning for Growth**’. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 National Planning Policy Statement (PPS) and Guidance notes (PPG)

PPS1 (Delivering Sustainable Development) - sets out the overarching planning policies on the delivery of sustainable development, advocating high quality design, accessibility to services and facilities, reducing the need to travel, inclusiveness, efficient use of land and improvements and enhancing biodiversity and landscape character.

PPS4 (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- The impact on local employment.

In terms of retail development, the emphasis is on the protection of existing town and local centres. The proposal should not have an adverse impact on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer. Economic development (which includes offices) should be assessed in terms of accessibility and reducing carbon emission, impact on local employment and economic regeneration, and secures high quality design.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

6.3 Regional Spatial Strategy - adopted September 2008

Policy **W5** (Retail development) - promote retail investment where it assists in the regeneration and economic growth of the town and city centres. In considering proposals and schemes any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns.

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

Policy **S1** (Retail Hierarchy) - new shopping development, other than small local shops, will be permitted only within the identified District centres. Development will only be permitted that is appropriate to the size and function of the centre concerned.

Policy **EC5** (Existing Employment Areas) - White Lund is allocated as an employment site suitable for B1, B2 and B8 uses.

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) – 95% of new employment floorspace will be accommodated within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **ER2** (Regeneration Priority Areas) - the key area identified for regeneration is central Morecambe where a tourism, housing renewal and heritage led regeneration, based around an office and service centre, is prioritised.

Policy **ER4** (Town Centres and Shopping) - to maintain vitality and viability of the town centres by focusing comparison shopping to Lancaster City Centre as well as developing its role as a tourist destination.

Policy **ER5** (New Retail Development) - new comparison retailing will be focused on Lancaster or central Morecambe. New local food retailing to be provided in town or local centres, or at an appropriate scale in sustainable locations in areas of deficiency.

Policy **E2** (Transportation Measures) - this policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

7.0 Comment and Analysis

7.1 Retail

7.1.1 The site is allocated for B1, B2 and B8 uses. It is not designated for retail uses. Though there are some trade counters within White Lund, which are ancillary to the main use, retail uses that are in no way connected to the employment generating use are not supported in policy terms. Creating a retail unit which is independent to the primary use of the site would be contrary to the employment allocation on this site. Whilst it is recognised that there are also some premises within White Lund that are solely used for retail purposes, these have a varied planning history, and do not set a precedent for further retail uses.

7.1.2 New retail space should be developed in established shopping centres. The nearest 2 centres to the proposal are Morecambe and Lancaster. National, regional and local planning policies all seek new retail space to be developed in existing centres. This is clearly an out of centre location, and therefore contrary to those policies. Furthermore, the proposal is contrary to Core Strategy ER2, which seeks to regenerate central Morecambe. This development would be detrimental to this objective by locating new retail space remotely from Morecambe's established shopping centre, and therefore drawing trade and possible linked trips away from existing and designated retail centre.

7.1.3 The applicant has argued in their submission that the proposed type of retail use (selling sofas which could be collected at the door, or delivered) is not suited to a town centre location even if such premises were available. They state that the proposal falls below the threshold for formal sequential testing and an impact assessment, though they have researched the availability of alternative premises to help argue their case. They also state that Westgate already supports a number of retail operators in the vicinity of the application site.

7.1.4 The flower retailing previously approved in 2002 was ancillary to the main use of the building. The proposed sofa shop would be entirely separate to the building's other uses and also significantly larger than the previous retail space. The 2002 permission only granted consent for the sale of cut flowers and related items because it was associated with the main ground floor use. The reason attached to this particular condition (no.3) states that "the City Council would wish to give particular consideration to the establishment of a general retail use in this location". It is now considering this 'establishment' in light of current adopted planning policy.

- 7.1.5 Policies ER4 and ER5 of the Core Strategy, together with the principle of PPS4, seek to maintain the vitality and viability of town centres and local centres by focusing new development in central locations with a presumption against retail development on out of centre sites. Needs which cannot be accommodated in existing centres should be in edge of centre locations. The submitted proposal is in neither of these locations. The applicant has tried to counter-argue this point by suggesting that the District currently does not offer such a retailer and therefore such provision would help to reduce leakage of trade out of the District and associated travel distances. However, this argument is discounted below (see Transport section).
- 7.1.6 The applicant argues that generally bulky goods stores require adjacent car parking. From a planning point of view, this is not a sufficient reason to dismiss more central sites; there are a number of bulky goods retailers operating from Lancaster City Centre and have been doing so for some time and have shown flexibility to trade successfully in central locations where space is more restricted. PPS4 makes it very clear that when promoting a proposal on a less sequentially preferable site, it will not be appropriate for a developer or retailer to dismiss a more central location on the basis that it is not available to the developer/retailer in question. Similarly sites should not be rejected based on self-imposed requirements or preferences of a single operator.
- 7.1.7 Whilst, as mentioned above, the applicant has included a long list of retail premises that are currently available, they have argued that none of them are of the appropriate size for the type of use proposed. Admittedly most of the units are very small, but the case officer is aware of 2 (and there may be others) addresses where there are retail units of a comparable size currently being marketed – below the Travelodge in Lancaster and below the Travelodge in the Arndale Centre in Morecambe. Whilst these units may not meet the applicant's specific requirements that is not a reason to discount such sites for the reasons set out above. Given that there are available units within existing shopping centres, the application fails on policy grounds.
- 7.1.8 Whilst the impact of the proposed change of use may be negligible, the change of use of the site for retail is contrary to retail policies ER4 and ER5 of the Core Strategy.

The applicant has failed to justify an exception to policy for the retail element.

7.2 Transport

- 7.2.1 Whilst the site is located on a bus route and is only about 350m from the Lancaster-Morecambe Cycleway (linked by a cycle track along Westgate), it is likely that staff and customers would travel to the site by car. In an out of centre location, there are few opportunities for trip linkages. Furthermore, there are no sustainability benefits to the proposal in terms of recapturing shopping trips to competing centres outside the District and retail parks as bulky good leakage out of the District is low.
- 7.2.2 The application has not been accompanied by a Travel Plan to encourage the development's users to use more sustainable forms of transport to access the site, though the applicant accepts that it may be appropriate to attach a condition (should planning permission be granted) to require any future office occupier (of the first floor) to draft and implement such a Plan.
- 7.2.3 The site has a total of 14 parking spaces. If filled, the site would not have little turning area for delivery vehicles. This would mean vehicles would be manoeuvring precariously on the site, and potentially will be leaving or entering the site in reverse gear creating a highway safety concern. Deliveries to the 3 separate uses could coincide causing vehicles to wait on Westgate, effectively reducing the efficiency of this busy highway. Again the applicant is willing to accept a condition requiring a Management Plan to be put in place to control delivery times.
- 7.2.4 Furthermore, the provision of 14 car parking spaces for 3 separate uses (A1, B1 and B8) operating out of one building would appear extremely low, putting pressure on on-street parking on local residential roads, thereby decreasing their safety and efficiency. Whilst the current B8 use operates at a different time to the A1 and B1 uses, there are no restrictions on its hours of operation, though the applicant has offered to accept conditions to limit its hours should planning permission be granted. However, the B1 office space could comfortably accommodate 45 workers, which would operate at the same time as the proposed retail space. Taking into consideration employees and customers, there would only be c25% provision of on-site parking for the B1 and A1 uses.

7.2.5 County Highways have revisited their comments on the earlier applications, and rerun the data through their highway data model known as TRICS (Trip Rate Information Computer System). Their response states that this building should be providing 26 car parking spaces given the different existing and proposed uses. At 14 on site space, the scheme fails to adequately address this parking issue and therefore the Highway Authority has recommended that the application be refused.

7.3 Employment

The application advises that the proposal would result in 3 full time equivalent jobs being created - 2 full time employees and 2 part time employees.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 In conclusion the proposal is unacceptable for the retail reasons set out above – its “out of centre” location and the availability of alternative “in centre” retail units. The proposal would also undermine the regeneration objectives for Central Morecambe, and it does not provide an adequate amount of on site parking to accommodate the scheme.

Recommendation

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

1. The proposed development by virtue of its out of centre location is contrary to Planning Policy Statement 4, Policy W5 of the Regional Spatial Strategy, Policy ER5 of the Core Strategy and Lancaster District Local Plan policy S1.
2. The proposed development by virtue of creating new retail space out of central Morecambe would have an adverse impact on the District's regeneration objectives and therefore is contrary to Policy ER2 of the Core Strategy.
3. The applicant has not been able to adequately demonstrate that the proposed level of parking within the site would be sufficient to accommodate the proposal. Therefore the proposal is likely to put additional pressure on the neighbouring residential roads in terms of on-street parking to the detriment of highway safety and efficiency.

Human Rights Act

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

Background Papers

1. The applicant has asked for a Summary of Case to be attached to the Committee report

Section 73 Application for the Continued Use of Retail Outlet without Conditions 3 and 4 Attached to Application No.02/00970/CU and Change of Use of Part Ground Floor of Warehouse to Create a Larger 200 sq metre Bulky Goods Retail Outlet at Anchor Buildings Westgate

Summary of Case- to be attached to Committee Report

Two applications have recently been refused for the use of this building for a retail unit and diary business. It has now been agreed that the diary business does not need planning permission and this latest application is therefore only for a larger bulky goods retail outlet at the front of the premises. The most recent application, 11/00444/CU, was refused for the following reasons:

Reasons 1 and 2 Policy (Summary) - Retail use is inappropriate, out of centre and within a protected employment area. Retail development in this location will prejudice the regeneration of Morecambe town centre

Response - The bulk of the building remains in employment use including 60% of the ground floor and all of the upper floor offices.

The new application clearly demonstrates that the local plan policy (S1) has been overtaken by events and is effectively out of date. A plan has been submitted showing the location of other retail units (12 in total - copy attached) both on Westgate and within White Lund trading Estate Trading Estate. The Committee recognized that the area serves other than immediate local needs with the recently granted permission for a Lidl supermarket further along Westgate. Recent government policy announcements make it clear that were policy is clearly out of date, as it is here, there should be a presumption in favour of consent

A very large retail unit immediately adjacent (Focus) has recently become vacant. The permission is unrestricted rendering concerns regarding the impact of the proposed small retail unit somewhat irrelevant.

A comprehensive survey has been undertaken to demonstrate that no suitable premises are available within Morecambe town centre to accommodate the proposed sofa outlet of this type or size. It cannot, therefore, be reasonably argued that the proposed development will have a detrimental impact on the regeneration of Morcambe town centre

Reason 3 - Highway issues (Summary). Inadequate parking provision to serve existing and proposed uses

Response - Comprehensive comparison figures have previously been produced to demonstrate that the new uses will produce significantly less traffic than the current approved uses both in terms of employee and service vehicles. The County Surveyor does not object to the principle of the development and does

not consider a refusal could be justified with regard to the proposed servicing arrangements having regard to the previous uses and the safeguards offered by the applicant

With respect to parking the site has more generous on site parking available than most businesses on the Westgate frontage. Photographs of similar businesses have been included. Individual car parking provision for both proposed and existing uses have now been provided although sharing of car parking will still be available if required.

Parking provision is below the maximum permitted by the Highway Authority but is entirely adequate given the nature of the proposed use and the highly sustainable location. It is situated within walking distance of a large part of the population of Morecambe for both customers and workforce. It is served by a regular 30 minute bus service and has immediate access to the Council's comprehensive cycle way network. Reducing on site parking provision and encouraging alternatives to reliance on the private motor car is entirely in accordance with government and City council objectives.

The applicant has indicated willingness to accept conditions to cover:-

- a) Limit uses of building to that applied for with controls over operating times
- b) Management Plan for whole site to control delivery times for service vehicles
- c) Travel plan to be agreed before 1st floor occupied

<p>Agenda Item A13</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00941/FUL</p>
<p>Application Site 55 Beaufort Road Morecambe Lancashire</p>	<p>Proposal Erection of a single storey side and rear extension</p>	
<p>Name of Applicant Mr M Iftikhar</p>	<p>Name of Agent Mr A Sheikh</p>	
<p>Decision Target Date 22 December 2011</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mr Ian Lunn</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve</p>	

Procedural Matter

This application would normally be dealt with under the scheme of delegation. However, it has been referred to Members at the request of Councillor Dennison.

1.0 The Site and its Surroundings

1.1 55 Beaufort Road is a semi-detached house constructed of predominantly pebble dash rendered blockwork for the external walls (with some stonework to the front elevation) and slate for the roof. It is located to the immediate south west of the junction of Beaufort Road and Redwood Drive in an area of residential development. The property is currently unoccupied and 'boarded up'.

The site is unallocated in the Lancaster District Local Plan.

2.0 The Proposal

2.1 Planning permission is sought to add a single storey rendered blockwork extension with a slate roof covering to the side and rear of the property. New windows are also to be installed within the existing dwelling in order to render it habitable but these works may be carried out as 'permitted development' and do not therefore form part of this application.

3.0 Site History

3.1 The property has not been the subject of any previous planning history.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No observations received within the statutory consultation period.

5.0 Neighbour Representations

5.1 No representations have been received from local residents in respect of this proposal.

6.0 Principal Development Plan Policies

6.1 Government Policy

PPS1 ('Delivering Sustainable Development') sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 Lancaster District Local Plan - saved policies - adopted April 2004

Saved Policy **H19** primarily sets out criterion against which proposals for new residential development in Lancaster, Morecambe, Heysham and Carnforth will normally be judged. However this criterion also applies to proposals for the extension of dwellings in those areas.

6.3 Lancaster District Core Strategy - adopted July 2008

Policy **SC5** essentially seeks to achieve high quality development.

6.4 Supplementary Planning Guidance

SPG 12 ('Residential Design Code') has been produced as supplementary planning guidance and sets out the key design principles which the Council will use when determining applications for all new housing developments. Whilst the code is aimed primarily at new housing development, the design principles are also intended to apply to house extensions and non-residential buildings of a domestic scale.

7.0 Comments and Analysis

7.1 Design

The extension is considered to be acceptable in design and scale terms. It will be subservient to the host dwelling being a single storey structure located to the side and rear of the property and set back approximately one metre from the main front wall. It will also incorporate a matching 'hipped roof' and will be constructed of materials to match those used in the construction of the host dwelling (rendered blockwork and slate). The development will occupy quite a prominent position in the street scene. However, given that it is considered to be acceptable in design and scale terms, and

given that there are some trees adjoining the site that will provide some screening of it and help to soften its appearance when viewed from the adjoining highways, it is contended that it will not unduly detract from the appearance of the locality.

7.2 Amenity Issues

a) Light

The proposed extension is to be built up to the boundary with 53 Beaufort Road and will project approximately three metres out from the rear wall of the host dwelling. In this position it is contended that it will have some effect upon the level of light currently received by a ground floor 'habitable room' window contained within the rear elevation of the adjoining property. There is, however, currently a fence separating the two rear gardens which already affects light to that window. Furthermore, the proposed extension will be single storey only and will incorporate a 'hipped' roof that will slope away from the adjoining dwelling. With this in mind, whilst accepting that light to the adjoining house will be affected to some degree by this proposal, it is considered, on balance, that it will not be affected to the extent that a refusal could reasonably be sustained on such grounds.

b) Overlooking

The proposal should not give rise to any unacceptable overlooking of neighbouring properties. All windows to be formed within the extension will either directly face the rear garden of the host property (which is approximately 20 metres long) or Redwood Drive.

7.3 Highway Issues

The proposal is considered to be acceptable in highway safety terms. It is contended that it will be possible to satisfactorily park two cars within the curtilage of the dwelling following the completion of the development, one behind the 'building line' within the proposed new garage and the other in front of that garage. It is also contended that a satisfactory means of gaining vehicular access to the development can be achieved by utilising the existing access from Beaufort Road.

7.4 Tree Issues

The extension will stand near to trees that adjoin the site. However, there are no proposals to remove any of these as part of the scheme and they should not be directly affected by the development. In order to ensure that these trees are retained unharmed it is recommended that conditions are imposed requiring that they are suitably protected during the construction works and satisfactorily retained at all times thereafter.

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

9.1 For the reasons contained in the report, the proposal is considered to be acceptable subject to conditions.

Recommendation

That planning permission **BE GRANTED** subject to the following conditions:

1. Standard Planning Permission Timescale
2. Amended Plans
3. Development to be in accordance with approved plans
4. Materials to match existing property
5. No trees to be removed
6. Trees to be protected during construction
7. Details of means of surfacing, sealing and draining vehicular areas

8. Garage to be retained solely for car parking in conjunction with the dwelling

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A14</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00881/CON</p>
<p>Application Site Castle Engineering St Georges Quay Lancaster Lancashire</p>	<p>Proposal Demolition of 2 industrial units</p>	
<p>Name of Applicant Lancaster City Council</p>	<p>Name of Agent</p>	
<p>Decision Target Date 22 December 2011</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

1.1 The application site is situated immediately to the east of Carlisle Bridge at the northern edge of Quay Meadow. It can be accessed from the western end of River Street or from New Quay Road to the north. The site shares a boundary to the west with the West Coast Mainline, to the south with a tree lined Quay Meadow and to the north and east with new residential properties. The site falls within Lancaster Conservation Area (designated in May 2011 - previously within Castle Conservation Area).

2.0 The Proposal

2.1 The application seeks Conservation Area Consent for the demolition of 2 industrial units to create a gateway from the east into the wider Luneside East development. The industrial units are derelict and are an eyesore on the surrounding areas. Due to their dereliction, they attract anti-social behaviour and are therefore a management issue for the City Council and for Places for People (the owners of the properties to the north). The short to medium term aspiration for the site is to develop a small residential scheme with improved pedestrian routes, though this will be subject to a separate application.

3.0 Site History

3.1 There are a number of planning applications relevant to this proposal:

Application Number	Proposal	Decision
01/01287/OUT	Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses	Approved
06/00126/FUL	Modification of conditions 1 and 12 attached to outline planning 01/01287/OUT - to extend the time limit for the	Approved

	submission of reserved matters	
07/00442/REM	Reserved Matters Application For Phase 1a Of Luneside East Masterplan: Buildings 5, 7, 8, 9, 12 and 14 only. 11,000 sq.m Office Space, Ground Floor Retail Space and Residential Flats, and Discharging of Condition Nos 2, 10, 12, 14, 17, 22, 24, and 30 on Application 01/01287/OUT in respect of Phase 1a	Approved
07/00773/REM	Reserved matters application for phase 1A of Luneside East Masterplan for refurbishment of building 13 (pump house) - and erection of cycle/bin store/substation	Approved
07/00775/FUL	Demolition of 2 No. Industrial units and continuation of proposed landscaping of reserved matters application (07/00442) to tie in with link from Quay Meadow	Approved
07/00776/CON	Conservation Area Consent for the demolition of 2 No. Industrial units	Approved
07/01588/REM	Reserved matters application for the residential phase of the Luneside East outline permission (01/01287/OUT) 327 units - mix of apartments and houses, with associated roads, footpaths and landscaping	Pending
10/01134/RENU	Renewal of Outline application - 01/01287/OUT as amended by 06/00126/FUL for comprehensive mixed use development	Approved
11/00885/FUL	Phase 1 of Luneside East Masterplan including external works, car parking and all related demolition and remedial works	Pending

4.0 Consultation Responses

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

Consultee	Response
Lancaster Civic Society	No comments received during the statutory consultation period.
Network Rail	Network Rail would request that the applicant provide method statements and plans to the Network Rail Asset Protection engineer detailing the works to be undertaken during demolition and the method of working when undertaking site remediation of the two industrial units. No works are to commence on site without the approval of the Network Rail Asset Protection Engineer.
Environmental Health	No objection subject to the following conditions: <ul style="list-style-type: none"> ▪ Hours of Construction – 0800-1800 Mon to Fri, 0800-1400 Sat ▪ Dust control Also advice notes are required regarding asbestos removal and burning of waste
Conservation	No objections to this application. Whilst Conservation Officers would usually expect to see a full application accompany a Conservation Area Consent application for demolition, they can see that even if the works resulted in a gap site (which is the purpose of this approach), it would not have a detrimental impact on the appearance of this Conservation Area, and would probably improve it, given the construction and condition of these buildings.
County Archaeology	No concerns.
North Lancashire Bat Group	The group requests that the recommendations of the Bat Survey are conditioned in the determination.

5.0 Neighbour Representations

5.1 No comments received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 Planning Policy Statements (PPS) and Guidance notes (PPG)

PPS5 (Planning for the Historic Environment) - outlines the Government's overarching aim for the conservation and enjoyment of the historic environment and its heritage and states that in considering the impact of a proposal on any heritage asset (e.g. Conservation Area) local planning authorities should take into account the particular nature of the heritage asset.

6.2 Lancaster District Local Plan (saved Policies) - adopted April 2004

Policy **E37** (Demolition in Conservation Areas) - total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Proposals to demolish any building within a Conservation Area will only be approved where detailed planning permission has been given for a scheme of redevelopment which would preserve and enhance the Conservation Area, including effective guarantees of early completion.

6.3 Lancaster District Core Strategy - adopted July 2008

Policy **E1** (Environmental Capital) - refers to the importance of conserving and enhancing the built heritage and minimising the adverse effects of development on such assets.

7.0 Comment and Analysis

7.1 The site is fairly enclosed by trees on the south side, and Carlisle Bridge on its west. To its north and east are modern residential units. Whilst the Local Planning Authority would normally expect a replacement scheme to be submitted alongside a proposal for demolition within a Conservation Area, the site is well screened and therefore the "gap" that would result from the demolition would not detract from the setting of the Conservation Area. In fact the removal of these 2 derelict buildings would enhance the heritage asset.

7.2 The application was accompanied by a Bat Survey which has been assessed by North Lancashire Bat Group. This consultee has requested that the recommendations within the Survey are conditioned as part of any granted consent.

7.3 In order to protect the amenity of local residents, Environmental Health has requested 2 conditions relating to noise (hours of works) and air quality (dust control). The works should be undertaken in accordance with the submitted demolition method statement to ensure safe working practices, including access arrangements, fencing, and removal of waste material. The asbestos roofing panels will be removed by a licensed asbestos removal contractor and disposed at a licensed tip facility. Details of the finished surface treatment should be provided for approval to ensure the site is left in a safe condition post demolition.

7.4 The demolition works are proposed to remove 2 unusable structures. In conclusion, this proposal does not adversely affect the character of the Conservation Area and will act to enhance the City's heritage asset. The proposed works are considered sympathetic and complies with the policy principles of PPS5, Policy E1 of the Core Strategy and saved Policy E37 of the Lancaster District Local Plan, which guide development in relation to heritage assets. It is on this basis that Members are advised that this application can be supported.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 For the reasons above, it is recommended that consent is granted.

Recommendation

That Conservation Area Consent **BE GRANTED** subject to the following conditions:

1. Standard Conservation Area consent timescale
2. Works to be undertaken in accordance with the submitted demolition method statement
3. Hours of construction/demolition - 0800-1800 Mon to Fri, 0800-1400 Sat
4. Dust control
5. Finished surface treatment - details required
6. Recommendations of the bat survey to be implemented in full

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A15</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00922/FUL</p>
<p>Application Site 24 Sunnyfield Avenue Morecambe Lancashire LA4 6EU</p>	<p>Proposal Erection of 2 storey side extension and raising of the roof to create a second storey</p>	
<p>Name of Applicant Mr Kevin Lodge</p>	<p>Name of Agent Harrison Pitt Architects</p>	
<p>Decision Target Date 6 December 2011</p>	<p>Reason For Delay Committee cycle</p>	
<p>Case Officer</p>	<p>Mr Daniel Ratcliffe</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

Procedural Matters

This application is one which would normally be dealt with under delegated powers but has been placed on Planning Committee at the request of Cllr Ashworth.

1.0 The Site and its Surroundings

1.1 The application site is situated on the east side of Sunnyfield Avenue located between Bare Lane and Broadway. The existing property is a detached hipped roof bungalow with red brick and dashed exterior and slate roof. There is a flat roofed garage to the south (side) elevation. Properties in the surrounding area are a variety of forms and designs, both detached and semi detached houses as well as bungalows with varying finishes and materials.

2.0 The Proposal

2.1 The application proposes works to convert the existing property into two storey accommodation. This is proposed to be achieved by raising the eaves height of the existing bungalow from approximately 2.9 metres to 3.5 metres and simultaneously converting the existing hipped roof to a pitched roof with two gable elevations to each side. The ridge height will increase from 5.7 metres to 6.5 metres. By adapting the loft space the proposal will convert a two bedroom bungalow into a four bedroom property with accommodation over two floors. The works propose to create three additional bedrooms and family bathroom in the loft space, served by rooflights.

2.2 In terms of the footprint of the site there will be only a slight increase with the erection of the porch/hallway to the side and the marginal increase to the existing single storey utility room to the rear of the property. The porch extension is however proposed to extend upwards to create additional roof space and as such will bring the roof and gable wall closer to the boundary with the neighbouring property.

The application states that all external elevations will be finished in materials to match the existing property.

3.0 Site History

3.1 There have been no previous planning applications submitted for this site.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultee	Response
United Utilities	No objections
Parish Council	No comments received within the statutory consultation period.

5.0 Neighbour Representations

5.1 At the time of compiling this report 7 letters of objection have been received. The reasons for opposition are noted below:

- Loss of privacy
- Loss of light
- Impact on the character and appearance of the area
- Approval of the development will set a precedent

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. The proposal accords with the principles contained within the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 Planning Policy Statements (PPS) and Planning Guidance Notes (PPG)

PPS1 (Delivering Sustainable Development) sets out the overarching planning policies on the delivery of sustainable development, advocating high quality design, accessibility to services and facilities, reducing the need to travel, inclusiveness, efficient use of land and improvements and enhancing biodiversity and landscape character.

6.3 Lancaster District Core Strategy

Policy **SC5** (Achieving Quality in Design) seeks to ensure that development proposals achieve the Core Strategy vision and that new development will be of a quality that enhances the character of the area, results in an improved appearance where conditions are unsatisfactory and compliments and enhances public realm.

6.4 Lancaster District Local Plan (Saved) Policies

Policy **H19** (Residential Development) relates to housing development within urban areas such as Lancaster and Morecambe. It states that development in these areas should provide a high standard of amenity and should not have an adverse effect on the amenities of nearby residents.

SPG12 (Residential Design Code) has been produced as supplementary planning guidance and sets out the key design principles which the Council will use when determining applications for all new housing developments. Whilst the code is aimed primarily at new housing development (design and amenity standards), the design principles are also intended to apply to house extensions and non-residential buildings of a domestic scale.

7.0 Comment and Analysis

- 7.1 The main issues to consider with this proposal are whether extending the property in the way described in Section 2 would be injurious to the character of the street, and whether the extensions would be detrimental to neighbouring amenity.
- 7.2 The alterations to the roof of the property will create a bungalow with accommodation in the roof space but ultimately the bungalow form, design and appearance will remain. Objections submitted by neighbouring residents suggest that the resulting building would be two storey in form, out of character with those in the surrounding street and as such injurious to appearance of the street scene. Whether or not the proposal is described as a bungalow or a two storey dwelling, it is considered that the resultant building would not adversely affect the character of the street.
- 7.3 The neighbouring semi detached properties to the south of the site are indeed two storeys in scale and form. In the immediate vicinity, from the end of Stuart Drive to Ruskin Drive, of a total of twenty properties only six are bungalows, although it is recognised these are adjacent to and opposite the application site. Further afield in the surrounding area approximately 90% of the properties are two storeys in form and this includes those properties immediately to the rear of the site along Carlyle Grove. It would therefore be inappropriate to suggest that the application be refused on this basis. The proposed alteration will result in a stepped appearance within the street scene from the bungalow at no.22, the application site and the two storey property at no.26.
- 7.4 In terms of the proposed extension and its relationship to neighbouring dwellings there will inevitably be a degree of impact on the nearest neighbouring property to the north at no.22 Sunnyfield Avenue. There is an approximate distance of 3 metres between the proposed extension and the neighbouring property. This neighbouring property has a sun lounge/conservatory to the front elevation and a kitchen window parallel to the side boundary with the application site. Neighbour objections have suggested that the proposed extension will result in a loss of light and privacy to this property, however, although the loss of some light is recognised in the fact that the extension will raise the eaves and ridge heights of the property and the loss of the hipped roof design will in effect bring the properties closer together, it is not considered that the effect of the works would not be significant to warrant a refusal of permission.
- 7.5 The relationship of the enlarged bungalow to the neighbouring properties would be no different to the relationship between neighbouring houses and bungalows in the surrounding area, including some of those within Sunnyfield Avenue. Once again it must be emphasised that the proposal will not be of the scale of the surrounding two storey houses but instead that of a dormer bungalow.
- 7.6 An additional ground floor window in this north elevation will serve the porch and hallway and as this is not a primary habitable room is not considered to have an impact on the privacy the occupants of the neighbouring property currently enjoy.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The application is considered to be acceptable in terms of both its compatibility and appearance within the street scene as well as its relationship with the neighbouring properties. As such the

application is recommended for approval.

Recommendation

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

1. Standard 3 year time limit
2. Development in accordance with the approved plans
3. Materials to match existing property
4. Hours of construction 0800-1800 Monday to Friday, 0800-1400 Saturday

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A16</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00923/CU</p>
<p>Application Site 7 Cheapside Lancaster Lancashire LA1 1LY</p>	<p>Proposal Change of use from retail (Class A1) to coffee shop (Class A3)</p>	
<p>Name of Applicant Mr P Kirton</p>	<p>Name of Agent GIA Ltd</p>	
<p>Decision Target Date 25 November 2011</p>	<p>Reason For Delay Committee Cycle</p>	
<p>Case Officer</p>	<p>Mr Daniel Ratcliffe</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

Procedural Matters

This application would normally be dealt with under delegated powers but has been placed on Planning Committee as the property is owned by Lancaster City Council.

1.0 The Site and its Surroundings

1.1 The property which form the subject of this application is a vacant shop unit (formerly Millets) situated on the east side of Cheapside. Cheapside forms one of the main pedestrian shopping streets in the centre of Lancaster, and is designated within the Lancaster District Local Plan as Primary Retail Frontage. The property is also situated within the Lancaster Conservation Area.

2.0 The Proposal

2.1 The application proposes the change of use of the ground floor from Use Class A1 (Retail) to Use Class A3 (Restaurants and Cafes). The proposal specifically seeks to use the unit as a café. This application does not involve any external alterations to the property.

3.0 Site History

3.1 The subject property has a number of historic applications relating to signage and shop fronts, none of which are necessarily relevant to this proposal.

4.0 Consultation Responses

4.1 The following responses have been received from internal consultees:

Consultee	Response
<p>Environmental Health</p>	<p>No objections but would recommend the provision of one additional toilet so that there is one for each gender.</p>

Access Officer	Should the application be approved the applicant should consider access for disabled people with regards to the entrance doors and serving counters amongst others.
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5.0 Neighbour Representations

5.1 No comments received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. The proposal to re-use this vacant property for the intended use is broadly compliant with the aims of the Draft MPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 Planning Policy Statements (PPS) and Planning Guidance Notes (PPG)

PPS1 (Delivering Sustainable Development) identifies key principles to promote sustainable development, namely making suitable land available to improve people's quality of life (economically, socially and environmentally); contributing to sustainable economic development; protect and enhance the natural and historic environment and existing communities; ensure high-quality development through good and inclusive design and efficient use of resources; and ensure development contributes to safe, sustainable, liveable mixed communities with good access to jobs and key services for all members of the community.

PPS4 (Planning for Sustainable Economic Growth) the Government's overarching objective is sustainable economic growth, and for this to occur the planning system should seek to build prosperous communities by improving the economic performance of cities; reduce the gap in economic growth rates between regions, promote regeneration and tackle deprivation; deliver more sustainable patterns of development, aimed at reducing the need to travel; and promoting the vitality and viability of town centres by focusing development and new economic growth within such centres, providing innovative and efficient shopping, leisure, tourism and local services, and conserving heritage whilst enhancing a sense of place for the community and for civic activity.

PPS 5 (Planning for the Historic Environment) requires that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring. The planning system should take account of the wider social, cultural, economic and environmental benefits of heritage conservation; recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and recognise that heritage assets are a non-renewable resource. The planning system also requires conservation of heritage assets in a manner appropriate to their significance.

6.3 Lancaster District Core Strategy (adopted July 2008)

Policy **ER4** (Town Centres and Shopping) defines the spatial role for Lancaster as a sub-regional city centre, providing the main comparison shopping destination for the district and adjoining regions as well as developing its role as a tourist destination.

6.4 Lancaster District Local Plan (Saved) Policies (adopted April 2004)

Policy **S4** (Lancaster City Centre Primary Retail Frontages) identifies the areas within Lancaster City Centre as Primary Retail Frontages in which A1 Retail uses shall remain the dominant use.

Policy **S7** (Change of Use to A3 within Primary Retail Frontages) states that change of use from A1 to A3 will only be permitted where:

- an adjoining frontage is in A1 Retail use; and
- the proposal would not result in the proportion of A3 (Food and Drink) of any continuous retail frontage length exceeding 20%, and
- the proposal does not have a significant adverse effect on the character of the street or the amenities of neighbouring residents or businesses.

Policy **E36** (Change of Use within Conservation Areas) acknowledges that the character of an area can be affected where a building changes to a new use.

7.0 Comment and Analysis

- 7.1 In planning policy terms the main issue relating to the change of use in this city centre location is whether the proposal conforms with the Local Plan saved policies identified in section 6.4 of this report, namely S4 which identifies Cheapside as a Primary Retail Frontage and Policy S7 which identifies a set of criteria for new A3 (Café) uses in areas protected by Primary Retail Frontages.
- 7.2 At present there is a mixture of uses within Cheapside although the majority of units in the immediate vicinity are within the A1 use class (retail) including Thomas Cook, The Carphone Warehouse and Specsavers. The shop unit in question is currently unoccupied and, as can often be the case with any vacant unit, the premises present a visual blot within the other wise busy commercial centre. This is emphasised by the fact that Cheapside as one of the primary shopping streets sees a significant amount of pedestrian traffic than many other parts of the city centre. With reference to Policy S7 the proposal clearly satisfies criterion 1 as both adjoining units are in A1 (retail) use.
- 7.3 The current situation within the continuous length of Primary Retail Frontage is that 20% is given to A3 (Restaurant and Café) uses. At present, of the five units from Ashton Walk to Lancaster Gate one of them is used as A3, this being the Costa Coffee shop which has a narrow frontage to Cheapside. Should the application be approved the frontage will have an increased A3 element of 28%, 8% and approximately 4 metres (of a 48 metre continuous frontage) above the threshold referred to in Policy S7. However, taking into consideration the whole frontage from Lower Church Street to Lancaster Gate (i.e. including the 2 charity shops and a building society at the north end of the eastern frontage onto Cheapside) the proposal is in accordance with the Council's adopted policy. If the first approach was applied, the proposal would fail to meet the necessary policy requirements and therefore the application could be refused on policy grounds, leaving the unit vacant. Considering the recent Planning for Growth Statement, the need to support the economic recovery and the fact that the premises have already been empty for the past 10 months, Members are asked to consider a more pragmatic view to the policy in question, and apply the second approach (taking into consideration the whole frontage from Lower Church Street to Lancaster Gate).
- 7.4 Members should also note the circumstances associated with LDLP Policy S7. It was initially drafted at a time when the (National) Use Classes Order did not differentiate between cafes, restaurants, hot food takeaways and public houses – i.e. they all fell under the A3 use class and there was a need to protect vibrant retail streets from uses, such as hot food takeaways, that would be closed during the daytime or would be predominantly focused upon the evening economy. This is no longer the case and so Policy S7 is less relevant as a result of the creation of separate use classes for each of these uses.
- 7.5 This proposal does not seek any external alterations to the existing property. It is therefore considered that the proposal would not have an adverse impact on amenity or streetscape, either in terms of its appearance or in terms of its vitality. If the future occupier wishes in the future to make any alterations, including the installation of any fascia signage, this would be subject to a separate application which would be assessed on its own merits at that time.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 It is considered that although it could be argued that the proposal does not satisfy the requirements of Policy S7 with specific regard to retail policy, there is an equally valid argument that it does for the reasons set out in paragraphs 7.3 and 7.4. Furthermore the occupation of an existing vacant unit in this prominent location is considered to improve the appearance of the street scene and vitality of the city centre and should be encouraged. The application is therefore recommended for approval.

Recommendation

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

1. Standard 3 year time limit
2. Development carried out in accordance with approved plans
3. Hours of opening restricted to 0800 to 1800 Monday to Sunday

Human Rights Act

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

Background Papers

None.

<p>Agenda Item A17</p>	<p>Committee Date 12 December 2011</p>	<p>Application Number 11/00947/LB</p>
<p>Application Site Williamson Park Wyresdale Road Lancaster Lancashire</p>	<p>Proposal Proposed Remedial Work to External Steps to Ashton Memorial.</p>	
<p>Name of Applicant Lancaster City Council</p>	<p>Name of Agent R G Parkins And Partners</p>	
<p>Decision Target Date 13 December 2011</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approved</p>	

1.0 The Site and its Surroundings

1.1 Ashton Memorial (a Grade I Listed building) is located in Williamson Park (a Grade II Listed Registered Park and Garden) on the east side of Lancaster. It is a prominent landmark building situated on top of a hill affording it views in all directions. It was built between 1905 and 1909 in memory of Lord Ashton's second wife, and was listed in 1953. It is in the ownership of Lancaster City Council.

2.0 The Proposal

2.1 This application seeks Listed Building Consent for remedial works to the external steps to the front of the Ashton Memorial, which form an important part of the Listed structure. The repair to the curved section will be a new profiled structural concrete slab supporting the existing steps and pointing. The steps will also be re-seated where required on other sections.

2.2 Concrete covered timber soffits spanning between reinforced steel joists have failed and water ingress has caused the concrete to fail badly, which in turn has caused corrosion and de-lamination of the steel joists. In other areas fill between the joists have consolidated causing some of the steps to become unlevel and out of line. It is proposed to reset the existing Cornish granite steps in their exact original positions.

3.0 Site History

3.1 There have been a number of applications determined by the Local Planning Authority relating to works to the Ashton Memorial over the decades, but none that specifically relate to the current proposal. The last remedial works to the staircase took place between 1985 and 1987.

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objection.
Conservation	<p>The works are essentially repair works and this will not affect the special character of the staircase. The Senior Conservation Officer has discussed mortar specifications for the repointing and for the repair of cracked damaged Cornish Granite steps. The proposed reconstruction of the supporting structure is acceptable subject to conditions:</p> <ul style="list-style-type: none"> ▪ A sample of mortar pointing to the steps is to be provided for the approval of the LPA. ▪ A sample of repair work to the granite steps is to be prepared for the approval of the LPA.
English Heritage	This application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.
Georgian Group	No comments received during the statutory consultation period.
Victorian Society	No comments received during the statutory consultation period.
Society for the Protection of Ancient Buildings	No comments received during the statutory consultation period.
Twentieth Century Society	No comments received during the statutory consultation period.
Ancient Monument Society	No comments received during the statutory consultation period.
Council for British Archaeology	No comments received during the statutory consultation period.
Garden History Society	No comments received during the statutory consultation period.

5.0 Neighbour Representations

5.1 No comments received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 Planning Policy Statement

PPS5 (Planning for the Historic Environment) - outlines the Government's overarching aim for the conservation and enjoyment of the historic environment and its heritage and states that in considering the impact of a proposal on any heritage asset (e.g. Listed building) local planning authorities should take into account the particular nature of the heritage asset.

6.2 Lancaster District Local Plan (saved Policies) - adopted April 2004

Policy **E33** (Alterations or Extensions to Listed buildings) - proposals involving external alterations to Listed buildings will not be permitted if they have an adverse effect on the architectural or historic character or interest of the buildings or their surroundings.

6.3 Lancaster District Core Strategy - adopted July 2008

Policy **E1** (Environmental Capital) - refers to the importance of conserving and enhancing the built heritage and minimising the adverse effects of development on such assets.

7.0 Comment and Analysis

7.1 The Ashton Memorial is a landmark building in the vicinity of Lancaster, visible from passing vehicles

on the M6 as well as from the city of Lancaster and beyond to Morecambe and its bay. From these vantage points its impressive copper covered roof and Portland stone elevations are prominent, but when viewed from within Williamson Park, it is clear that the steps form an important part of this Listed structure.

7.2 The steps have deteriorated over the last century. To rectify this deterioration the works described above in Section 2 are proposed. The proposed works seek to preserve this impressive Grade I Listed structure, which is a key building within the District. Whilst the steps are not the most prominent feature of the Memorial when viewed from a distance, they clearly form an integral and significant part of this heritage asset when seen from within the gardens. The Cornish granite steps are to be retained and reused in their exact original location following extensive works to their foundations. The appearance of the steps following the proposed works will not have altered significantly (though there will be minor benefits resulting from the steps being realigned to their original position) whilst the structure upon which they will sit will have been significantly improved to give them a sound base for the foreseeable future. Care will be required to preserve the Cornish granite during the works as well as the choice of mortar, both in terms of its colour (to preserve the setting of the steps) and how porous the material is (to prevent unnecessary water penetration. These elements should be conditioned.

7.3 The works are proposed to improve the maintenance of this Grade I Listed building. In conclusion, this proposal does not adversely affect the character of the Listed building and will act to preserve one of the City's significant heritage assets. The proposed works are considered sympathetic and complies with the policy principles of PPS5, Policy E1 of the Core Strategy and saved Policy E33 of the Lancaster District Local Plan, which guide development in relation to heritage assets. It is on this basis that Members are advised that this application can be supported.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 For the reasons above, it is recommended that consent is granted.

Recommendation

That, subject to referral to the National Planning Casework Unit, Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard Listed building consent timescale
2. Sample of repair work to the Cornish granite steps is to be prepared
3. Sample of mortar
4. Reuse of the existing Cornish granite steps, including storage during works
5. Construction compound and traffic

Human Rights Act

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

Background Papers

None.

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
10/01251/FUL	Pine Lake Motel And Leisure Centre, Scotland Road, Warton Retrospective application for the retention of an extension to 3 log cabins for Mr Stuart Hunter (Warton Ward)	Application Permitted
11/00197/NMA	Galgate Cricket Club Pavilion, Main Road, Galgate Non-material amendment to approved application 10/00014/FUL for Peter Mayne (Ellel Ward)	Application Permitted
11/00313/FUL	274 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Demolition of existing house, toilet and laundry block and erection of four 2 bedroom apartments for Mr S. Hanley (Westgate Ward)	Application Permitted
11/00357/FUL	The New Bungalow, Caton Green Road, Brookhouse Amendment to approved application 10/00824/FUL to include a dormer to the east elevation with veranda for S Brown (Lower Lune Valley Ward)	Application Permitted
11/00457/CU	19 Market Street, Carnforth, Lancashire Change of use of first floor accommodation from retail to domestic, replacement of windows and rear flat roof covering and refurbishment of rear dormer for Ms Louise Western (Carnforth Ward)	Application Permitted
11/00470/RCN	Meadow View Caravan Park, Long Dales Lane, Nether Kellet Removal of conditions 8 and 7 respectively on approved applications 04/01698/CU and 11/00128/CU restricting occupancy to allow holiday occupancy for 12 months of the year for Mr G Billington (Kellet Ward)	Application Permitted
11/00475/FUL	79 Main Road, Nether Kellet, Carnforth Demolition of existing shed and erection of a detached garage for Mr A Little (Kellet Ward)	Application Permitted
11/00504/FUL	Jubilee Garage, Main Road, Bolton Le Sands Erection of new car workshop at rear of existing premises for Mr Daniel White (Bolton Le Sands Ward)	Application Permitted
11/00549/ADV	13 Common Garden Street, Lancaster, Lancashire Erection of a fascia sign and a projecting sign for Mr S P Brewer (Dukes Ward)	Application Permitted
11/00556/FUL	Old Hall Barn, Main Road, Nether Kellet Erection of Porch extension to the side of the Property for Mrs L Waddington (Kellet Ward)	Application Refused
11/00569/FUL	Meadow View Higher Moor Head, Rakehouse Brow, Abbeystead Demolition of existing outbuilding and erection of a detached double garage for Mr And Mrs Atkinson (Ellel Ward)	Application Permitted
11/00570/LB	Meadow View Higher Moor Head, Rakehouse Brow, Abbeystead Listed building application for demolition of existing outbuilding and erection of detached double garage for Mr And Mrs G Atkinson (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

11/00616/FUL	Gabriel Lodge, Coneygarth Lane, Tunstall Erection of a single storey and two storey extension for Mr Robert Harker (Upper Lune Valley Ward)	Application Permitted
11/00635/LB	Old Hall Barn, Main Road, Nether Kellet Listed Building Consent for the erection of porch extension to the side for Mrs L Waddington (Kellet Ward)	Application Refused
11/00639/FUL	114 St Leonards Gate, Lancaster, Lancashire Change of use of first and second floor offices (B1) and conversion of roof space to 11 bed student accommodation for Mr Anas Mister (Bulk Ward)	Application Refused
11/00640/LB	114 St Leonards Gate, Lancaster, Lancashire Listed Building Consent for internal and external alterations to facilitate the proposed change of use to student accommodation for Mr Anas Mister (Bulk Ward)	Application Refused
11/00641/CU	Land Adjacent Lune Aqueduct, Caton Road, Lancaster Change of use of land to form visitor car park and creation of a new vehicular access for Mr Nick Wild (Ward)	Application Permitted
11/00665/FUL	40 Silverdale Road, Yealand Redmayne, Carnforth Demolition of existing dwelling and garage and erection of new dwelling and garage with a new additional access for Ken Howson (Silverdale Ward)	Application Permitted
11/00674/LB	Know Hill Barn, Shore Road, Silverdale Listed building application for the installation of 10 PV solar panels for Mr John Hammond (Silverdale Ward)	Application Permitted
11/00724/FUL	Southways, Borwick Lane, Warton Erection of an agricultural building for Mr A Thompson (Kellet Ward)	Application Permitted
11/00729/FUL	16 St Michaels Lane, Bolton Le Sands, Carnforth Demolition of existing conservatory and erection of two storey extensions to the rear and construction of new pitched roof over garage and porch for Mr & Mrs Gareth and Andrea Patterson (Bolton Le Sands Ward)	Application Permitted
11/00736/FUL	Lentworth Hall Farm, Abbeystead Road, Abbeystead Demolition of existing wall and erection of replacement wall to the rear for Thomas Entwistle (Ellel Ward)	Application Permitted
11/00737/FUL	Golden Ball, Lancaster Road, Heaton With Oxcliffe Erection of a single storey extension forming dining room and new pitched roof over existing toilets and re-opening of blocked window in south west gable wall for Mr Stephen Hunt (Overton Ward)	Application Permitted
11/00738/LB	Golden Ball, Lancaster Road, Heaton With Oxcliffe Listed building application for the erection of a single storey extension forming dining room, new pitched roof over existing toilets and re-opening of blocked window in south west gable wall for Mr Stephen Hunt (Overton Ward)	Application Permitted
11/00754/FUL	1 Jefferson Close, Lancaster, Lancashire Erection of a 2 metre fence along the Westbourne Road elevation for Dr Richard Bourne (Castle Ward)	Application Permitted
11/00067/DIS	Croziars Croft, Moss Lane, Silverdale Discharge of	Request Completed

LIST OF DELEGATED PLANNING DECISIONS

	conditions 4 and 5 on approved application 11/00117/FUL for Kenneth Gregory (Silverdale Ward)	
11/00766/ELDC	Park Hotel, 1 St Oswald Street, Lancaster Existing Lawful Development Certificate for the creation of a drinking area to front of property for Daniel Thwaites PLC (John O'Gaunt Ward)	Lawful Development Certificate Granted
11/00762/FUL	Moss House Farm, Gulf Lane, Cockerham Proposed agricultural workers dwelling and creation of new access. for Mr N Sutcliffe (Ellel Ward)	Application Withdrawn
11/00777/PLDC	Horseman's Cottage, Greaves Road, Lancaster Erection of a wooden handrail 1.1m high and 10m long and erection of a gate 1.2m high and 3.1m wide for Peter Scott (Scotforth West Ward)	Lawful Development Certificate Granted
11/00786/FUL	The Coach House, Beaumont Grange, Kellet Lane Retrospective application for the installation of a mechanical horsewalker for Mr P. Edmondson (Slyne With Hest Ward)	Application Permitted
11/00720/ADV	9 Ashton Walk, St Nicholas Arcade, Lancaster Installation of externally illuminated fascia and non-illuminated hanging signs for Mr Tim Foster (Dukes Ward)	Split Decision
11/00817/CU	92 Euston Road, Morecambe, Lancashire Change of use application from A1 (shop) to A3 (tearoom) for Mrs Karen Wisbach (Poulton Ward)	Application Permitted
11/00819/OUT	Scar Close, 13 The Row, Silverdale Outline Application for the erection of a new dwelling in garden area for Mr & Mrs D and C Martin (Silverdale Ward)	Application Refused
11/00822/LB	The Bobbin, 36 Cable Street, Lancaster Listed Building Application for internal alterations to form a pool room for Mr David Gregson (Bulk Ward)	Application Withdrawn
11/00828/FUL	1 Proctor Moss Road, Abbeystead, Lancaster Demolition of existing garage and erection of a new detached garage/workshop for Mr & Mrs R D Pye (Ellel Ward)	Application Permitted
11/00841/FUL	Beechwood, 2 Lane Foot Farm, Kirkby Lonsdale Road Retrospective application for the retention of walls, 2 security gates and piers for Ms Vicky Morphet (Upper Lune Valley Ward)	Application Refused
11/00842/FUL	Priory And Parish Church, St Marys Parade, Lancaster Installation of a 300mm dish antenna to the church tower on an existing support pole for Everything Everywhere And 3 C/o Daly International (Castle Ward)	Application Permitted
11/00845/FUL	Lune Cottage, Aughton Road, Aughton Erection of a Porch for Mr & Mrs C. Carr (Halton With Aughton Ward)	Application Permitted
11/00851/FUL	12 Westbourne Road, Lancaster, Lancashire Installation of a solar array on the flat garage roof to the rear of the property for Mr Simon Coyle (Castle Ward)	Application Permitted
11/00874/NMA	Lancaster University, Bailrigg Lane, Lancaster Non-material amendment to application 11/00299/FUL for Lancaster University (Facilities) (University Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

11/00906/FUL	Over Kellet Village Hall, Kellet Road, Over Kellet Erection of a storage shed for Over Kellet Playgroup (Kellet Ward)	Application Permitted
11/00868/FUL	Land To East Of Low Moor Head Cottage, Rakehouse Brow, Quernmore Creation of a new access track for Mr Richard Rhodes (Ellel Ward)	Application Permitted
11/00873/NMA	34 Penny Stone Road, Halton, Lancaster Non Material Amendments to planning permission no. 11/00164/FUL as shown on drawing number 200. for Mrs J Hill (Halton With Aughton Ward)	Application Refused
11/00882/RENU	The Sheiling, Church Lane, Yealand Conyers Renewal of application 08/01228/FUL for various alterations and extensions for Mr And Miss Howson And Miss Waine (Silverdale Ward)	Application Permitted
11/00887/FUL	22 Marlton Way, Lancaster, Lancashire Erection of a two storey side extension, two storey extension to rear, and replacement dormer for Ms Sue Pope (Scotforth West Ward)	Application Permitted
11/00891/PAM	Land Adjacent 20 Brock Street, Lancaster, Lancashire Installation of BT DSLAM high speed broadband equipment cabinet adjacent to existing BT cabinet for BT Openreach (Dukes Ward)	Application Withdrawn
11/00892/PAM	Land Adjacent To Brunton House, Greaves Road, Lancaster Installation of BT DSLAM high speed broadband equipment cabinet adjacent to existing BT cabinet for BT Openreach (Scotforth West Ward)	Prior Approval Not Required
11/00893/PAM	Opposite 86 Dallas Road, Lancaster, Lancashire Installation of BT DSLAM high speed broadband equipment cabinet adjacent to existing BT cabinet for BT Openreach (Castle Ward)	Prior Approval Not Required
11/00911/FUL	33 Coverdale Road, Lancaster, Lancashire Erection of a single storey extension to the rear for Mr James Kilpatrick (Castle Ward)	Application Refused
11/00894/PAM	Outside Pointer House, Bowerham Road, Lancaster Installation of BT DSLAM high speed broadband equipment cabinet adjacent to existing BT cabinet for BT Openreach (John O'Gaunt Ward)	Application Withdrawn
11/00895/FUL	8 South Road, Lancaster, Lancashire Erection of a detached garage to the rear for Mr G Burnett (Dukes Ward)	Application Permitted
11/00896/PAM	Land Adjacent YMCA, New Road, Lancaster Installation of BT DSLAM high speed broadband equipment cabinet adjacent to existing BT cabinet for BT Openreach (Ward)	Application Withdrawn
11/00897/PAM	Land Opposite , 5 Damside Street, Lancaster Installation of BT DSLAM high speed broadband equipment cabinet adjacent to existing BT cabinet for BT Openreach (Dukes Ward)	Prior Approval Not Required
11/00898/PAM	Adjacent To 5 Gillisons Bungalows, Lindow Street, Lancaster Installation of BT DSLAM high speed	Prior Approval Not Required

LIST OF DELEGATED PLANNING DECISIONS

	broadband equipment cabinet adjacent to existing BT cabinet for BT Openreach (Dukes Ward)	
11/00909/VCN	John O Gaunt, 76 Torrisholme Road, Lancaster Demolition of existing pub & erection of 6. no. dwellings (pursuant to variation of condition 2 to change external materials) for VMC Developments Ltd (Skerton East Ward)	Application Permitted
11/00901/FUL	40 West Road, Lancaster, Lancashire Erection of a single storey extension to the side and rear and installation of a flue for wood burning stove for Ms H Triviais And Mr R Mellon (Castle Ward)	Application Permitted
11/00905/FUL	32 - 34 Penny Street, Lancaster, Lancashire Replacement of entrance door with window on Common Garden Street, and replacement of canopy facing rear service yard for Mr John Handy (Dukes Ward)	Application Permitted
11/00912/FUL	Ellers Farm, Hornby Road, Caton Erection of an agricultural building and associated hardstanding for Mr B Preston (Lower Lune Valley Ward)	Application Permitted
11/00929/FUL	18 Somerset Avenue, Lancaster, Lancashire Erection of a two storey extension to the side and rear for Mr And Mrs Hayne (Scotforth West Ward)	Application Permitted
11/00924/PLDC	76 Grasmere Road, Lancaster, Lancashire Certificate of Lawful Development for the erection of a single storey rear extension for Dr H. Morbey (Bulk Ward)	Lawful Development Certificate Granted
11/00928/FUL	1A Prospect Drive, Hest Bank, Lancaster Erection of a detached annexe for Mr Philip Bartle (Slyne With Hest Ward)	Application Permitted
11/00961/FUL	31 Homfray Avenue, Morecambe, Lancashire Erection of a first floor side extension for Mr & Mrs S Jordan (Torrisholme Ward)	Application Permitted
11/00083/DIS	Field No 4267, Arna Wood Lane, Lancaster Discharge of condition 3 and 4 on approved application 11/00826/FUL for Mr N Wemyss (Scotforth West Ward)	Request Completed
11/00094/DIS	Hammerton Hall, Hammerton Hall Lane, Slyne Discharge of conditions 3 and 4 on approved application 11/00788/FUL for Telefonica O2 Ltd/Vodafone Ltd (Slyne With Hest Ward)	Request Completed

PLANNING AND HIGHWAYS REGULATORY**COMMITTEE****New Planning Enforcement Charter
12 December 2011****Report of Head of Regeneration and Policy****PURPOSE OF REPORT**

The report advises Members of the Development Management Team's Draft Planning Enforcement Charter, and seeks formal adoption of this.

This report is public.

RECOMMENDATIONS OF THE HEAD OF REGENERATION AND POLICY

- (1) That agreement be given to the immediate formal adoption of the Planning Enforcement Charter.
- (2) That following adoption, the Charter shall be cross-referenced in the emerging Development Management Development Plan Document (DPD).

1.0 Introduction

- 1.1 The National Planning System includes legislation identifying the type of development, land use or other activity that requires the benefit of planning permission. There is also national legislation in the form of Planning Policy Guidance Note 18 ('Enforcing Planning Control') and a Government Circular (10/97) which offers generic guidance to local planning authorities, developers, householders and complainants.
- 1.2 Some local planning authorities have developed specific guidance or established a formal Charter in respect of their planning enforcement activities.
- 1.3 At the present time Lancaster City Council does not have a formal, adopted Enforcement Charter.

2.0 Proposal Details

- 2.1 It is proposed that a new Planning Enforcement Charter be adopted. A copy of the draft document is appended to this report.
- 2.2 In summary, the document provides the following guidance:

- An overview of the role of enforcement within the planning system;
- Advice regarding types of development and unauthorised development;
- An 'Order of Priority' for all planning enforcement complaints;
- Revised formal timescales for acknowledgement of planning enforcement complaints and timescales for visiting sites that are the subject of enforcement investigations;
- Advice regarding the issues of 'expediency' and 'harm';
- Details of planning enforcement methods, remedies and penalties for non-compliance; and,
- A Code of Conduct for the Planning Enforcement Officers.

3.0 The Order of Priority

- 3.1 Whilst there is no adopted Enforcement Charter at the present, the Planning and Highways Regulatory Committee previously considered the issue of prioritising enforcement investigations in August 2005, when a report entitled "Establishing a Policy for the Enforcement of Planning Control" was presented to Members. However whilst the report was noted, and the timescales for case investigation implemented, the policy was never formally enshrined in a Charter.
- 3.2 The 2005 report identified that breaches of planning control could be split into three priority areas; namely:
- Those that required 'prompt action with immediate effect';
 - Those that would be considered in date order; and,
 - Those that were considered to be 'low priority' because the development caused no demonstrable harm.
- 3.3 The proposed 2011 Order of Priority develops the system further, categorising types of unauthorised development based upon the severity of the alleged breach of planning control. The following categories are proposed:
- High Priority – which would include works that constituted a criminal offence, such as unauthorised works to listed buildings or preserved trees;
 - Medium Priority – which would include unauthorised works or development within areas of protected landscape, or where development causes demonstrable harm;

- Low Priority – which would include minor breaches of planning control that appear to cause little or no demonstrable harm; and,
- Lowest Priority – minor development that would have benefitted from planning permission (had a retrospective application been submitted); or complaints submitted anonymously.

3.4 It is considered that this approach accurately reflects enforcement priorities in both the national and local context.

4.0 Details of Consultation

4.1 This is a procedural Charter aimed at explaining the planning enforcement process and devising an Order of Priority that is reasonable and can reflect staffing levels within the Service. There has been no external consultation.

5.0 Options and Options Analysis (including risk assessment)

	Option 1: To adopt a formal Planning Enforcement Charter	Option 2: To not adopt a formal Planning Enforcement Charter
Advantages	The Charter aims to introduce relevant standards for planning enforcement investigations and would represent a more informative and robust basis for investigating breaches of planning control.	None.
Disadvantages	None.	The Service would be reliant on the 2005 committee report standards which are considered to be out-of-date, and in any case were not formally enshrined within an Enforcement Charter.
Risks	There is a risk that during periods of heavy workload the timescales (for acknowledgement of complaints and investigation ‘on-site’) may exceptionally not be adhered to. However the responsibility to keep all parties informed of progress of the investigation would continue to fall to the Planning Enforcement Officers.	The Service does not have detailed enforcement advice available and the failure to adopt the Charter – and the standards that it seeks to introduce as part of the continuing modernisation of the Development Management Service - would be counter-productive.

6.0 Conclusion

6.1 The Planning Enforcement Charter is an important element of the continuing modernisation of the Development Management Service. The advice it provides, alongside the formal introduction of target timescales, will mean that the enforcement function can rise to the continual challenges posed by

unauthorised development in the district.

CONCLUSION OF IMPACT ASSESSMENT

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

None arising from this report.

LEGAL IMPLICATIONS

The Charter provides more detailed advice than currently exists regarding the planning enforcement process. Whilst the Charter introduces an Order of Priority for Planning Enforcement Officers, it does not require any alteration to the current procedures in place relating to cases that are referred to the Legal Service for formal action.

FINANCIAL IMPLICATIONS

There may be extreme occasions where workload arising from the adoption of the Charter may exceed current staffing capacity. However this is likely to be exceptional rather than a regular occurrence, and it is anticipated that there will be no detrimental impact upon staff resources.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None.

Information Services:

None.

Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

[1. Planning and Highways Regulatory Committee Minutes \(Item 103\), 22 August 2005.](#)

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Draft Planning Enforcement Charter



Regeneration and Policy (Development Management)

Draft Edition (2011)

Enforcement and the Planning System

The national planning system incorporates legislation which explains what type of development, use of land or other activity requires formal approval from the local planning authority. This formal approval takes a variety of forms. It includes:

- Planning Permission (for buildings, engineering operations, changes of use and other operations);
- Listed Building Consent (for works to, or affecting a Listed Building);
- Conservation Area Consent (for works involving demolition within a Conservation Area);
- Advertisement Consent (for the display of advertisements);
- Prior Approval (a process where the local planning authority requires prior notification of certain proposals, including some demolition projects, telecommunication-related development and some agricultural development)

For the purposes of this document only, the use of the term 'permission' refers to all of the above regimes.

The power to take enforcement action against those who undertake development without the appropriate permissions is guided by a clear policy statement from the Government (Circular 10/97, and National Planning Policy Guidance Note 18 'Enforcing Planning Control').

However the main principle in law is that planning enforcement action is a discretionary power, and one that must be fully justified. In order to avoid judicial intervention, Government guidance states that local planning authorities must not pursue enforcement action simply to regularise a breach of planning control.

Carrying out development or activity without obtaining planning permission is not usually a criminal offence. People do make the mistake of constructing buildings or using land without first obtaining the relevant permission.

It is however an offence to fail to comply with a Notice served by the local planning authority which requires the breach of planning control to cease, or to be remedied. It is also a criminal offence if works are undertaken to protected trees without first obtaining the relevant permission; or where unauthorised works are carried out to a Listed Building without obtaining Listed Building Consent; or where an advertisement is displayed without obtaining Advertisement Consent.

The planning system aims to achieve a balance between competing demands in the wider public interest, and so the local planning authority remains impartial in all cases. Enforcement action is open to challenge either on appeal or through the courts, and so the local planning authority must be confident that the enforcement action is commensurate to the alleged breach of planning control.

It is with this in mind that the Development Management Enforcement Team focuses on proportionate resolution, rather than pursuing all those who have acted in breach of

planning control (i.e. it is usually inappropriate to take formal enforcement action against a minor or technical breach of planning control which causes no harm to local amenity).

National planning policy advises that whilst it is unsatisfactory for anyone to carry out development without first obtaining the required permission, enforcement action should not be pursued simply to 'regularise' development which is acceptable on its planning merits, but for which permission has not been sought.

What type of development requires planning permission?

There are many types of development and some changes of use of land/buildings which do not require planning permission. Householders in particular have fairly extensive 'permitted development rights' under planning law which enable them to construct certain extensions, outbuildings and other operations within their domestic curtilage without requiring planning permission. This is subject to certain criteria regarding size, location and distance to shared boundaries of the site. Information regarding householder permitted development rights is available at our website by following the link below.

<http://www.lancaster.gov.uk/planning-environment/planning-permission/need-planning-permission/>

Alternatively, anyone wishing to discuss permitted development rights can talk to a Planning Advice Assistant on 01524 582950 between the hours of 9am and 5pm, Monday to Friday.

What matters lie outside the scope of planning control?

The Development Management Enforcement Team can only investigate matters that are controlled by planning-related legislation.

The following matters lie outside the scope of planning control and **cannot** be investigated:

- Boundary disputes;
- Land ownership queries;
- Obstruction of a right of way.

In addition, there are circumstances where the Council is time-barred from pursuing enforcement action. In general terms, work that was carried out more than 4 years from the completion of development, and most changes of use that occurred more than 10 years ago are considered lawful, and thus are immune from any enforcement action.

The Development Management Enforcement Team will not usually investigate complaints regarding potential, future development. It can only respond to development or activity that has already occurred, or is currently ongoing. There may however be exceptional cases where there is evidence of a seriously harmful breach of planning control which, if accompanied by credible evidence that the breach is about to occur, may be investigated.

How to Make a Planning Complaint

Anyone who believes that a breach of planning control has occurred, or is occurring, may make a complaint. This can be done in a variety of ways;

- By completing the Online Enforcement Report Form available at <http://www.lancaster.gov.uk/forms/ShowForm.asp> or;
- By emailing dm@lancaster.gov.uk; or,
- By telephone to either:
*Debbie Threlfall, Enforcement Officer, 01524 582344; or
Alison Hesketh, Enforcement Officer, 01524 582350.*
- In writing to:
*Development Management (Planning Enforcement)
Lancaster City Council
PO Box 4, Town Hall
Lancaster
LA1 1QR*

When making a complaint you should be prepared to identify yourself and leave contact details with the Enforcement Officer. In many instances it is not usually possible to investigate anonymous complaints, due to the problems caused later in the investigation by the absence of witnesses or credible evidence.

When making your complaint you should identify;

- The precise location where the alleged breach of planning control has occurred/or is occurring;
- The nature of the breach of planning control; and,
- The reason for making your complaint (you should describe the impact that the alleged breach of planning control is having upon you and/or the locality).

This information is necessary to allow the enforcement investigation to proceed.

Whilst the Development Management Enforcement Team will try to ensure that a complainant's identity remains confidential, it cannot guarantee that this will remain the case if matters progress to legal proceedings, where a successful outcome may depend upon the willingness of complainants to appear as a witness in court. Some information can also occasionally be subject to the Freedom of Information Act 2000 and therefore may have to be disclosed.

The Development Management Enforcement Team seeks to manage its resources to ensure that the highest priority complaints can be addressed without delay. Response timescales to lower priority complaints are therefore adjusted accordingly. Allegations concerning breaches of planning control will be investigated in accordance with the **Order of Priority – Planning Enforcement Complaints**.

Order of Priority – Planning Enforcement Complaints

No.	Priority	Nature of Development
1	High	Unauthorised works (including alteration, partial demolition or demolition) to a Listed Building or a building within a Conservation Area
2	High	Unauthorised works to trees that are protected, either by a Tree Preservation Order or by virtue of the tree being situated within a Conservation Area, or involving works to a hedgerow that is protected by law
3	High	Any other unauthorised development which in the opinion of the local planning authority causes irreversible and serious demonstrable harm or presents an immediate and serious danger to the public
4	Medium	Unauthorised development/activities within an Area of Outstanding Natural Beauty, a Site of Special Scientific Interest, the North Lancashire Green Belt, within a Conservation Area, within an Area of Article 4 Direction or within any other national or locally-designated site of nature conservation
5	Medium	Any unauthorised development/activity or breach of a planning condition which in the opinion of the local planning authority causes demonstrable, continuous harm to the locality, or the living conditions of local residents
6	Medium	Unauthorised advertisements which have a detrimental impact upon public/highway safety or visual amenity
7	Medium	Unauthorised development where the time limit for pursuing enforcement action might expire within 6 months
8	Low	Technical breaches of planning control that marginally exceed permitted development rights
9	Low	Minor variations from approved plans that do not, in the opinion of the local planning authority, appear to cause demonstrable harm to the locality or the living conditions of local residents
10	Low	Unauthorised advertisements that in the opinion of the local planning authority, lie outside any of the categories listed above.
11	Lowest	Minor unauthorised development that would be likely, in the opinion of the local planning authority, to receive retrospective planning permission or would result in formal enforcement action not being instigated.
12	Lowest	Complaints that are made anonymously

As the investigation progresses **its priority level may change** following the initial site visit, or following the receipt of further information. The priority level will always be determined by the Development Management Enforcement Team.

The Development Management Enforcement Team has had to deal with an increasing number of complaints over recent years. There are a number of reasons for this increased level of activity:

- An increasing public awareness of planning and environmental matters;
- Increased public participation in the Development Management process;
- Lack of communication or notification of development activity between neighbouring land users.

As a result of further increases in the number of enforcement complaints received, there will be occasions where the Order of Priority list will be reviewed and may be amended.

What happens to my enforcement complaint?

Once a complaint has been received, and the complaint is allocated a Priority Number, the enforcement investigation can commence.

Complainants will be advised of progress, and the outcome of the complaint will be made known either in writing (via letter or formal email) or will be conveyed by telephone by the Officer.

Whilst some complaints will be more complex than others, and may take longer to resolve, the Development Management Enforcement Team will strive to achieve an outcome within appropriate timescales. In the first instance, this Charter indicates timescales (overleaf) where we will aim to acknowledge your complaint and make a site visit or inspection.

In terms of the investigation, the enforcement complaint will follow the following **Procedure Chart** (overleaf):

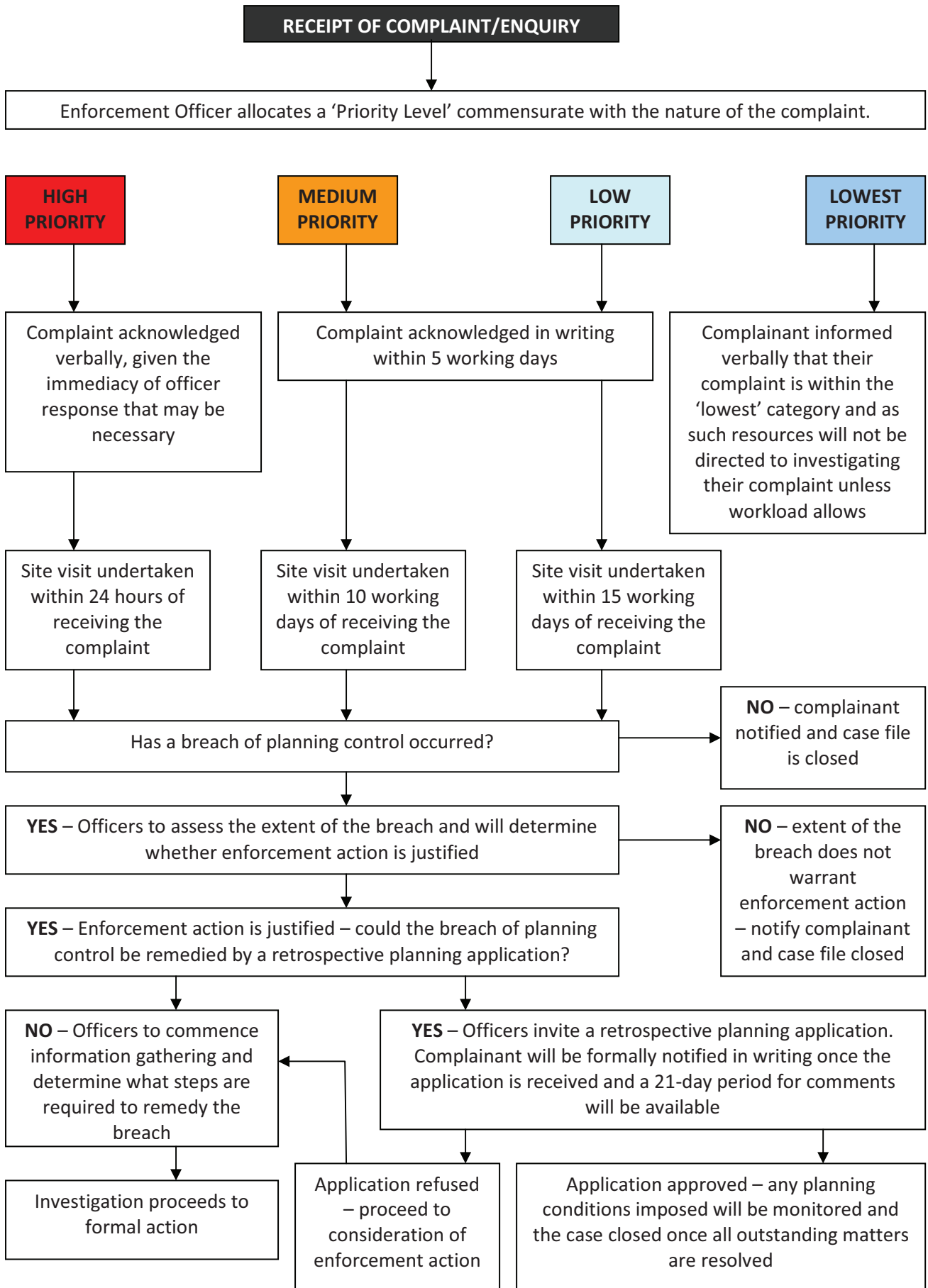
What happens if someone complains about me?

If the Development Management Enforcement Team receives a complaint about your property, building, or your land, and the alleged breach of planning control warrants further investigation, then we shall write to you.

You have the right to know what the alleged breach of planning control is. However the complainant's details will usually remain confidential.

The Team always tries to resolve breaches with co-operation, and formal action would only be taken as a last resort.

Procedure Chart



Expediency

In determining whether to pursue enforcement action, the Development Management Enforcement Team has to assess whether it is **expedient** to do so.

Government guidance is clear on this matter. In considering enforcement action, the decisive issue is whether the breach of planning control would unacceptably affect public amenity or would unacceptably affect the existing use of land/buildings which merit protection in the public interest.

Where the breach of planning control is minor, or involves a technical breach of planning control that would be likely to benefit from retrospective permission, then Government advice is that enforcement action would usually be inappropriate. In cases where it is resolved that it is not expedient to take enforcement action, the Development Management Enforcement Team will explain why this is the case.

Where it is resolved that it is not expedient to pursue enforcement action, this does not give the landowner a formal permission. Serious problems can still occur when the property/landowner tries to sell the property (or land) where the appropriate planning permissions have not been secured and where this is revealed on any land search. Landowners are advised to either regularise the position by applying for retrospective planning permission, or by applying for an Existing Lawful Development Certificate.

The City Council will not be responsible for any delays in conveyancing that occur because the owner has failed to secure the appropriate permissions in the past.

What is 'Harm'?

Harm resulting from a breach of planning control could include highway safety issues; loss of daylight or private amenity; noise; and impact upon the visual amenity of an area.

However 'harm' would **not** include the following:

- Impact upon property values (not a planning consideration);
- Competition to another business (not a planning consideration);
- Loss of an individual's view (not a planning consideration);
- Trespass onto someone else's land (this would be a private matter between the individuals involved)

Enforcement Methods and Remedies

The majority of breaches of planning control are resolved informally through discussion and negotiation. This may result in the submission of a retrospective planning application by the person who has breached planning control. The retrospective application would be an attempt to regularise the situation. However there will be cases where the unauthorised

development carried out is unacceptable in planning terms, and whilst the submission of a retrospective planning application is still an available option, in these circumstances planning permission would not be forthcoming.

If a planning application for a retrospective development or activity is refused, then under Planning Law the applicant still has a right to appeal against the decision of the local planning authority. That appeal is heard by the Government's Planning Inspectorate. If following the appeal the Planning Inspector upholds the local planning authority's decision, and dismisses the appeal, then enforcement action can then continue. If the appeal is allowed, then the Inspector will explain the reasons for allowing the appeal and will also list any planning conditions that should accompany the grant of permission.

To commence enforcement action, the local planning authority must establish which persons have an interest in the land or buildings that are the subject of the planning breach. Even where complainants may think that they know the full names and addresses of the persons responsible, the local planning authority has to ensure that no other person has a land or property interest. Therefore the local planning authority has to gather information, and it can do this by one of two methods:

- **A Section 330 Requisition for Information (s330)** – which requires those with a land or property interest to complete the s330 Notice and identify their names, addresses and extent of their land/property interest. Failure to respond is a prosecutable offence.
- **A Planning Contravention Notice (PCN)** – a PCN can include additional questions to those posed by the s330 Notice, and may be used (for example) to establish dates when an unauthorised activity commenced, or to identify the future intentions of the owner/occupier. Again, non-return of a PCN is a prosecutable offence.

Once this information has been gathered, and where negotiation has failed to remedy the breach of planning control, the Development Management Enforcement Team can consider the use of one (or more) of the following methods:

- **Prosecution via the Magistrates' Court** – immediate prosecution proceedings can only be brought in relation to those activities which, by themselves, are *criminal offences*. These include unauthorised works to Listed Buildings; unauthorised work involving protected trees; and the display of unauthorised advertisements. Prosecution proceedings in relation to other types of unauthorised development can only be brought if the owner/occupier has failed to comply with one of the Notices listed below and overleaf.
- **An Enforcement Notice (EN)** – this is a Notice which imposes a legal duty on those with an interest in the land/building to ensure that the breach of planning control ceases within a specific period, where the period is no less than 28 days. Recipients of the EN may appeal to the Planning Inspectorate, effectively suspending the provisions of the EN until the appeal is determined. ENs are entered onto the Land Charges Register and so they run with the land, thus remaining effective even after compliance

has been achieved. Non-compliance with an EN within the specified period is a criminal offence for which the recipient may be prosecuted in the Magistrates' Court. There is an equivalent EN under the national Listed Building legislation, and a Conservation Area Notice where unauthorised demolition has occurred within a designated Conservation Area.

- A **Breach of Condition Notice (BCN)** – this notice is used where a planning applicant has failed to comply with planning conditions attached to a planning permission. Unlike an EN, there is no right of appeal. Again non-compliance is a prosecutable offence. BCNs are not entered onto the Land Charges Register.
- An **Untidy Land or Section 215 Notice (s215)** – this can include untidy buildings as well as land. Appeals against the s215 Notice are to the Magistrates' Court and not the Planning Inspectorate. The local planning authority has to demonstrate that the land or buildings are not just untidy, but that its condition adversely affects amenity as a consequence of its untidiness. Non-compliance with a s215 is a prosecutable offence.
- A **Stop Notice (SN)** – this Notice can require cessation of activities which are demonstrated to cause the most serious harm to local amenity. As such they are used sparingly by local planning authorities and usually only where there are extreme breaches of planning control. Whilst it would appear that a SN is the ultimate sanction, there are disadvantages. Firstly, a SN can only be served alongside (or shortly after) the serving of an EN. Secondly, it incurs the local planning authority risking liability and may require them to compensate the owners/occupiers for any losses that can be proved to be directly attributable to the cessation of activities required by the SN.
- A **Temporary Stop Notice (TSN)** – the TSN is effective immediately and does not require the serving of an EN. However it can only subsist for a maximum period of 28 days, and it cannot be renewed. Again, the local planning authority can endure the risk of liability for compensation. Such a Notice is usually only considered where there are activities that are demonstrated to cause the most serious harm to local amenity and will require immediate cessation.
- A **Court Injunction** – this is a rarely used power due to the costs associated with it and the fact that the outcomes are often uncertain, as the case often rests with the discretion of the Magistrates' Court. Injunctions can be sought in the most serious of cases and non-compliance (which would be a contempt of court) can result in imprisonment.
- An **Advertisements Discontinuance Notice** – this can only be used where an advertisement already benefits from deemed consent, but where the local planning authority determines that the advertisement is causing a 'substantial injury' to amenity or where danger is caused to members of the public. This Notice can be the subject of an appeal to the Planning Inspectorate.

In determining periods of compliance with a Notice, Officers have to pay regard to the particular circumstances of the case. For example, an Enforcement Notice might require a business to cease operating from unauthorised premises, and so the period for compliance could be lengthy to allow for relocation opportunities (in an attempt to avoid potential loss of jobs).

Penalties

Failure to comply with the requirements of an EN can result in a fine of upto £20,000, payable on summary conviction (i.e. trial without jury in the Magistrates' Court). There are also powers for local authorities to undertake works required to ensure compliance with an EN and then charge the perpetrator for costs incurred.

The Breach of a TSN can lead to a fine of upto £20,000.

Prosecution for criminal offences such as works to a Listed Building or unauthorised works to a protected tree can result in fines of upto £20,000.

Removal of a protected hedgerow can result in a fine of upto £5,000.

Failure to comply with a BCN can result in a fine of upto £1,000.

Targeted Action

Occasionally the Development Management Service will instigate, or be heavily influential in proactive initiatives that seek to resolve localised problems. For example, there may be instances where direct, targeted action is needed within a Conservation Area to tackle a series of untidy buildings and/or land.

In almost every circumstance the extent of targeted action will be communicated in advance by letter to property and landowners and details of the action will usually be disclosed to the local media.

Development Management Enforcement Team – Code of Conduct

Whether you are a complainant or someone who is the subject of a planning enforcement investigation, Officers of the Service will conduct themselves in accordance with the following standards:

- Allegations of breaches will be investigated in accordance with the Order of Priority List;
- Officers will remain impartial at all times and will act in the wider public interest, within the legislative boundaries of planning control;

- Officers will investigate the complaint in accordance with the provisions of the Procedure Chart;
- Officers will use their powers of entry to premises or land if it is not possible to establish all the relevant facts and/or if further information is required. When doing so, Officers will advise any owners/occupiers present at the time of the reason for their visit and will produce Council identification and proof of rights of entry;
- Where a breach is identified, those responsible will be advised of the remedial steps (where necessary), timescale and consequences of inaction;
- Where the breach is likely to accord with planning policy, those parties will be advised to submit a retrospective planning application (where necessary) in an attempt to regularise the situation;
- Where informal attempts to negotiate a satisfactory remedy to the breach have failed, Officers will commence formal action (either to establish ownership details or via the serving of formal Notices upon owners/occupiers);
- At the closure of the case, all parties will be formally informed that the case is being closed and the reasons for doing so. This involves cases where it is considered not expedient to pursue enforcement action;
- A summary of enforcement cases that have proceeded to formal action will be presented on a quarterly basis to the Elected Members of the Planning and Highways Regulatory Committee;
- Where there is a perceived threat to either an Officer of the Council or a member of the public, the Police will be requested if necessary to attend site visits in the interest of public safety.

What happens if I am not satisfied with the service I have received?

Complaints regarding the Service will usually be treated as Stage One complaints under the City Council's formal Complaints Procedure. Additional information regarding this Procedure can be found at the Council's website: www.lancaster.gov.uk Complaints regarding the Development Management Enforcement Service must be made in writing to:

*Assistant Head of Regeneration and Policy (Development Management)
Lancaster City Council
PO Box 4
Town Hall
Lancaster
LA1 1QR*

PLANNING AND HIGHWAYS REGULATORY**COMMITTEE****OFFICER SCHEME OF DELEGATION
12th December 2011****Report of Head of Governance****PURPOSE OF REPORT**

To enable the Committee to approve an updated scheme of delegation to officers in respect of matters within its terms of reference.

This report is public

RECOMMENDATIONS

- (1) **That the Committee approve the delegations to officers as set out in Appendix 1 for inclusion in the Council's Constitution as part of the Scheme of Delegation to Officers.**

1.0 Introduction

- 1.1 Part 3 Section 15 of the Council's Constitution contains the Council's Scheme of Delegation to Officers. This is currently being reviewed to ensure that it is up to date, and reflects the operational needs of the Council.
- 1.2 It is for Cabinet and each Regulatory Committee to approve the delegations within their own terms of reference, and it is intended that each will review their delegations so that an updated Scheme of Delegation can be brought to Council for approval and subsequent inclusion in the Constitution. It is intended that the updated scheme will make it clearer as to which member body is responsible for each delegation.

2.0 Proposal Details

- 2.1 A revised list of officer delegations in respect of the areas of work which fall within the remit of this Committee is set out in Appendix 1. The list has been updated to ensure that the correct officer titles are used and that the relevant legislation referred to is complete and up to date.
- 2.2 Members are recommended to approve Appendix 1 as the Committee's Scheme of Delegation with immediate effect and to be included in the full Council Scheme.

3.0 Details of Consultation

- 3.1 All Service Heads have been consulted on the proposed revised Scheme of Delegation, as have the officers in Governance, especially Legal, who need to rely on the delegations in the course of any relevant legal proceedings.

4.0 Options and Options Analysis (including risk assessment)

4.1 Members are recommended to adopt Appendix 1 as drafted. It would be open to the Committee to make amendments by either adding to or deleting from the list of delegations. However, officers would advise that it has been drafted to meet the operational and legal requirements of the planning and highway matters for which the Committee has responsibility.

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

None arising directly from this report.

LEGAL IMPLICATIONS

Legal Services have been involved in the review of the Scheme of Delegation.

FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer is leading the review of the Scheme of Delegation as the officer responsible for the Council's Constitution.

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

Ref:

PLANNING AND HIGHWAYS REGULATORY COMMITTEE

TO THE HEAD OF REGENERATION AND POLICY

In consultation with the Head of Governance or the Legal Services Manager, to instruct Counsel to advise and/or represent the Council.

To designate authorised officers for the purposes of Sections 196A, 196B, 214B, 214C, 219, 324 and 325 of the Town and Country Planning Act 1990 and Sections 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990, who may then act on behalf of the Council under the relevant legislation in accordance with their designation as authorised officer

To set fees and charges for planning applications and any other services provided under the terms of reference of the Committee

TO THE HEAD OF REGENERATION AND POLICY AND ANY OTHER STAFF DESIGNATED BY HIM/HER IN WRITING

To determine applications under the provisions of Part III and VIII of the Town and Country Planning Act 1990 and Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990, having regard to the approved Development Plan and any relevant approved statement of policy, including proposals affecting Listed Buildings or in Conservation Areas EXCEPT for the following categories of development:

- Applications in the major category as defined by the DCLG which are recommended for approval and are the subject of any objections
- Applications recommended for approval which are departures from the Development Plan
- Applications made by the City Council or major applications made by the County Council
- Applications by Members or officers of the Council and other parties where considerations of probity indicate that a Committee decision is required
- Any application which the Head of Regeneration and Policy considers should be determined by the Committee
- Any application which a member of the Council asks to be referred to the Committee

To secure compliance with associated conditions or legal agreements in respect of any planning permission granted, to vary such conditions or agreements and to discharge any requirements of such agreements

To respond to consultations under the provisions of sections 42 and 43 of the Planning Act 2008 with the exception of responding formally to the Infrastructure Planning Commission or its successors in title under Sections 55 and 60 with the council's view on Statements of Community Involvement and Local Impact Reports.

To decline to determine applications for planning permission pursuant to Section 70A of the Town and Country Planning Act 1990

To determine requests for amendments to submitted or determined planning applications or other development related consents

To advertise and consult on advertising of planning and other like applications

In conjunction with the Head of Governance to contest appeals regarding matters within the terms of reference of the Planning and Highways Regulatory Committee

To serve notices for the preservation/repair of Listed Buildings or buildings/structures worthy of listing under the provisions of sections 3, 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990

To make and enforce Tree Preservation Orders and related provisions

To determine applications for Certificates of Lawful Use or Lawful Development under the provisions of Section 191- 94 of the Town and Country Planning Act 1990

To issue a screening opinion or a scoping opinion under the Provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

To waive the charge for the making of Revocation and Modification Orders in appropriate cases

To serve statutory notices in respect of any highway matter within the terms of reference of the Planning and Highways Regulatory Committee

To make observations on development and development plans proposed by neighbouring authorities

TO THE HEAD OF GOVERNANCE AND LEGAL SERVICES MANAGER AND ANY OFFICERS DESIGNATED BY EITHER OF THEM IN WRITING

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Planning and Highways Regulatory Committee

To prepare any documentation necessary to bring into effect a decision of the Planning and Highways Regulatory Committee

In consultation with the Head of Regeneration and Policy to issue, serve and withdraw Enforcement Notices, Stop Notices and Temporary Stop Notices, Planning Contravention Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990

To make arrangements for the service of notices under Section 330 of the Town and Country Planning Act 1990