



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 2 MARCH 2015

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

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

1 **Apologies for Absence**

2 **Minutes**

Minutes of meeting held on 2nd February 2015 (previously circulated).

3 **Items of Urgent Business authorised by the Chairman**

4 **Declarations of Interest**

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

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

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

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

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on Community Safety issues. Where it is considered 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 14/01208/FUL	G And L Car Services, Wheatfield Street, Lancaster	Castle Ward	(Pages 1 - 12)
		Erection of 41 houses and 24 apartments with associated access, roads and landscaping for Mr Richard Harrison		
6	A6 14/01289/FUL	Land Adjacent To Westgate And Heysham Railway Branch Line, Westgate, Morecambe	Westgate Ward	(Pages 13 - 23)
		Erection of 90 new dwellings with associated access for Chorley Community Housing		
7	A7 14/01105/REM	Laund Fields, Stoney Lane, Galgate	Ellel Ward	(Pages 24 - 31)
		Reserved Matters application for 50 dwellings and associated roads and landscaping for Mr Chris Gowlett		
8	A8 14/01168/FUL	Queens Hotel, 34 - 36 Market Street, Carnforth	Carnforth Ward	(Pages 32 - 39)
		Erection of 8 one bed apartments and 12 two bed apartments to rear of existing Hotel for Dewcraft Ltd		
9	A9 14/01295/FUL	Squires Snooker Club, Penny Street, Lancaster	Duke's Ward	(Pages 40 - 47)
		Demolition of existing building and erection of a 5 storey building comprising retail (use classes A1 and A2) at ground floor and student accommodation to the upper floors including 6 cluster flats and 10 studio apartments with associated car parking and servicing/landscaping area for Mr Trevor Bargh		

10	A10 14/01376/LB	Squires Snooker Club, Penny Street, Lancaster	Duke's Ward	(Pages 48 - 51)
		Listed Building Application for demolition of existing building and erection of a 5 storey building comprising retail (use classes A1 and A2) at ground floor and student accommodation to the upper floors including 6 cluster flats and 10 studio apartments for Mr Trevor Bargh		
11	A11 14/01117/FUL	Middleton Clean Energy Plant, Middleton Road, Middleton	Overton Ward	(Pages 52 - 58)
		Erection of a 47.5mw gas fired power station and associated works for Mr David Evans		
12	A12 14/01374/CU	Land Adjoining Scout Crag Caravan Park, New Road, Warton	Warton Ward	(Pages 59 - 67)
		Change of use of land previously used in connection with quarry for the siting of 10 holiday cabins for Mr Hugh Daly		
13	A13 14/01122/CU	Mill House, Formerly Moss House Farm Buildings, Spout Lane	Upper Lune Valley Ward	(Pages 68 - 74)
		Change of use, conversion and extension of derelict farm buildings including mill, stables and ancillary accommodation into a residential dwelling (C3 Use) with stables and ancillary guest and staff accommodation with new access and alterations to existing access points, together with engineering and landscaping works to create a new ancillary subterranean leisure complex (swimming pool) and garaging for Mr A Moores		

14	A14 14/01123/LB	Mill House, Formerly Moss House Farm Buildings, Spout Lane	Upper Lune Valley Ward	(Pages 75 - 78)
		Listed building application for external and internal works to convert and extend derelict farm buildings, including mill, stables and ancillary accommodation into a residential dwelling with stables and ancillary accommodation for Mr A Moores		
15	A15 14/01243/FUL	122 Broadway, Morecambe, Lancashire	Torrisholme Ward	(Pages 79 - 88)
		Erection of a two storey rear extension for Mr N. Palamountain		
16	A16 15/00052/FUL	11 Allandale Gardens, Lancaster, Lancashire	Castle Ward	(Pages 89 - 91)
		Erection of a single storey rear extension and conversion of garage to provide ancillary living accommodation and storage for Mr & Mrs Ashfaq Rehman		

Category D Applications

Applications for development by a District Council

17	A17 14/01176/ADV	City Centre, Lancaster, Lancashire	Duke's Ward	(Pages 92 - 95)
		Advertisement application for 3 panel adverts on 27 bins at various sites to include Market Street, Market Square, Lancaster Gate, Penny Street, Cheapside, Church Street, Gage street, Damside Street, Common Garden Street, Spring Garden Street and New Street for Ms Helen Ryan		
18	A18 14/01319/LB	Lancaster Museum , Market Street, Lancaster	Duke's Ward	(Pages 96 - 99)
		Listed Building Application for replacement of rainwater goods for Mr Francis Sedgwick		

19 **A19 14/01164/LB** Flat 2, 1 Water Street, Lancaster Bulk Ward (Pages 100 - 102)
Listed building application for the installation of an air circulation system for Lancaster City Council

20 Delegated Decisions (Pages 103 - 110)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Helen Helme (Chairman), Keith Budden (Vice-Chairman), Eileen Blamire, Dave Brookes, Roger Dennison, Sheila Denwood, Tony Johnson, Andrew Kay, Geoff Marsland, Margaret Pattison, Robert Redfern, Sylvia Rogerson, Richard Rollins, Roger Sherlock and Paul Woodruff

(ii) Substitute Membership

Councillors June Ashworth (Substitute), Mike Greenall (Substitute), Tim Hamilton-Cox (Substitute), Richard Newman-Thompson (Substitute), David Smith (Substitute), Keith Sowden (Substitute), Susan Sykes (Substitute) and Malcolm Thomas (Substitute)

(iii) Queries regarding this Agenda

Please contact Sarah Grandfield, Democratic Services: telephone (01524 582132) or email sgrandfield@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

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

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

Published on Tuesday 17th February 2015.

<p>Agenda Item A5</p>	<p>Committee Date 2 March 2015</p>	<p>Application Number 14/01208/FUL</p>
<p>Application Site G And L Car Services Wheatfield Street Lancaster Lancashire</p>	<p>Proposal Erection of 41 houses and 24 apartments with associated access, roads and landscaping</p>	
<p>Name of Applicant Mr Richard Harrison</p>	<p>Name of Agent Mr DK Seddon</p>	
<p>Decision Target Date 25 February 2015 Extension of time for determination agreed to the 6th March 2015</p>	<p>Reason For Delay Negotiations and committee cycle</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve, subject to the submission of satisfactory amended plans to address design concerns.</p>	

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 1.46 hectare linear parcel of previously developed land, located approximately 0.3km west of the city centre. The site is orientated north/south with the western boundary abutting the West Coast Rail Line. To the north lies the curtilage of the two-storey Old Station House Bed and Breakfast, which is enclosed by high stone walls. A small section of the site fronts Wheatfield Street before the highway turns through 90° to the east; thereafter the eastern boundary of the site abuts the rear alleyway to Blades Street. The southern end of the site tapers towards Carr House Bridge and is elevated above Villas Court and recreational land belonging to the Boys and Girls Club.
- 1.2 The site is currently vacant and was previously a car dealership to the north of the site and former railway sidings to the south. The northern end of the site accommodated a large brick built/metal clad car showroom and forecourt. These buildings are now demolished. Remnants from these buildings form part of the boundary with the railway line. To the south the land largely consists of hardstanding, albeit overgrown and extends approximately half way down the site. Beyond this point land is scrubland.
- 1.3 Access into the site is off Wheatfield Street, at the point of the 90° turn in the road. Other than the railway station and nearby schools, surrounding land uses are predominantly residential, comprising a mix of apartments and dwellings. At the southern end of Blade Street there is a one way road accessing Dallas Road; here there is an existing children's play area backing onto the Lancaster Boys and Girls Club. Further south (along the eastern boundary of the site) there is an area of unallocated open space which backs onto Villas Court; a modern complex of residential dwellings.
- 1.4 The topography of the site is such that most of the site is at an elevation between 23m and 19.7m above ordnance Datum (AOD), falling northwards towards Meeting House Lane, with a steep embankment along the eastern boundary. This part of the site is not developed and

occupies by a number of trees. There is an important belt of trees which are subject to a Tree Preservation Order (TPO) running along the eastern boundary along the rear of Blades Street. The western boundary of the site has little tree or vegetation cover and as such is completely unscreened and open to views across the railway line from Westbourne Road and the residential area to the west.

- 1.5 The site is unallocated in the Lancaster District Local Plan proposals map but sits adjacent to the western boundary of the Lancaster Conservation Area.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of 65 residential units comprising 41 dwellinghouses and 24 apartments with an associated vehicular access off Wheatfield Street, pedestrian/cycle to Blade Street, an internal road and landscaping. All of the residential units proposed are for affordable rent (100% affordable housing scheme). The exact breakdown is as follows:

- 15 one bedroom apartments;
- 9 two bedrooms apartments;
- 14 two bedroom dwellings; and,
- 27 three bedroom dwellings

- 2.2 Due to the linear nature of the site, the development is essentially divided into three parts. The northern section (north of the vehicular access point) proposes two blocks of apartments and associated parking courts. The middle section (between the rears of 2–72 Blade Street) consists of one apartment block and a run of 6 terraces totalling to 25 dwellinghouses. The southern section (to the rear of the Boys and Girls Club) comprises a run of three terraces (total of 14 dwellinghouses) and a pair of semi-detached properties. Beyond this, an area of informal open space is proposed. The development consists of three-storey apartments at the northern end of the site dropping to two storey towards the southern end of the site. The proposed materials consist of reconstituted stone and roof tiles with grey UPVC windows and black UPVC rainwater goods.

- 2.3 Vehicular access would be via the existing Wheatfield Street access, with an additional pedestrian/cycle link proposed halfway down the site directly onto Blades Street. In terms of parking, 72 parking spaces are proposed, based on 100% parking provision with 7 visitor spaces. Secure and covered cycle parking storage shall also be provided adjacent to each of the apartment blocks. For the houses, cycle parking will be available within the curtilage of each unit.

- 2.4 In order to facilitate the development a total of 20 individual trees and 11 groups of trees are required to be removed. The group of protected trees along the eastern boundary are to be retained. A log retaining wall and cut and fill earth works to the rears of the properties are proposed to provide practical garden spaces to the units at the southern end of the site.

3.0 Site History

- 3.1 There are four previous applications relevant to this site and the proposal. The first application (03/00842/FUL) proposed 112 apartments but was subsequently withdrawn. The second application later in 2003 (03/01491/FUL) proposed 100 one and two bedroom apartments and six offices. This application was refused in May 2004 for the following reasons:

- Housing land oversupply contrary to policies in the Regional Spatial Strategy and Local Plan SPG 16 'The Phasing of New Residential Development'.
- Overbearing impact on neighbouring residential amenity (Blades Street)
- Design and appearance of the acoustic barrier (considered to represent a discordant and prominent feature in urban landscape terms)

The application was later subject to an appeal and was dismissed only on the grounds of housing land oversupply. The development was not regarded an exception to the policy of restraint in operation at the time.

More recently, an outline application was submitted and approved (10/00100/OUT) for upto 59 houses and apartments. Committee resolved to approve this application subject to a Section106

Agreement requiring affordable housing to be negotiated at the reserved matters stage. A full application (10/01319/FUL) was submitted (before the 10/00100/OUT outline was approved) for 62 dwellings comprising 51 affordable units and 11 open market homes. This application was refused on the 4 March 2013 despite a committee resolution to approve two years previous on the grounds that the scheme was undeliverable.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections subject to off-site highway works involving improvements to nearby bus stops, investigation and amendments to the existing Traffic Regulation Order to ensure the site is restricted to resident only parking and a two-way cycle route is delivered at Blade Street. Other conditions required in relation to the access, internal road details, the cycle/pedestrian link and parking provision.
Environmental Health Service (EH)	Noise and vibration assessments are adequate provided the precise details of the mitigation are secure and controlled by condition. Dust control should be secured by condition and measures to encourage the use of electric cars.
EH Contaminated Land Officer	Initially objected due to inadequate information submitted to assess the impacts. A Phase 2 Investigation report has been provided. At the time of compiling this report no comments from the Contaminated Land Officer had been submitted. A verbal update will be provided.
Network Rail	No objection in principle. They provide general advice to the applicant regarding the need for separate approval from the Network Rail Operational Property Team, as the site layout plan does not appear to adhere to separate access rights Network Rail currently hold. Separate (i.e. non-planning) risk assessment and method statements will also be necessary, and no planting of trees along the Network Rail boundary would be permitted. Landscaping scheme to be agreed by Network Rail. The following conditions are recommended: <ul style="list-style-type: none"> • Details of a suitable trespass proof fence and acoustic fencing mitigation adjacent to the boundary with the railway line; • Drainage details • Excavation, ground levels and earth works proposed by the railway line
Conservation Officer	Recommends amendments in relation to building materials and fenestration to improve the design to reflect its position adjacent to the Conservation Area.
Strategic Housing Officer	The scheme offers 100% affordable housing and has attracted government funding from the Homes and Community Agency. It provides good mix of housing types having regard to local needs and demands. Full support for the proposal.
United Utilities	A public sewer crosses the site and the layout should be revised to account for this or for the development to agree to a diversion at their expense. Otherwise no objections subject to a condition requiring surface water discharge to the public sewer at greenfield rates and precise details to be controlled by condition.
Environment Agency (EA)	No objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, limiting surface water run-off generated by the 1 in 100yr plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase flood risk elsewhere. A further condition required for surface water drainage. The EA also raised concerns over the contaminated land assessments and recommend further intrusive investigations are carried out. Further information has been provided and the EA re-consulted. A verbal update will be provided.
County Planning Contributions team	No objections. Country Education have assessed the scheme and do not require a contribution.
Tree Protection Officer	No objections subject to a number of planning conditions which ensure adequate protection of protected trees on site, including a tree works schedule.
Civic Society	Comment that the design is bland and unimaginative and needs revisions to improve the architectural offering on a key route (via rail) into the city. They also question the proximity of the development to the railway line and traffic congestion at the junction

	with Meeting House Lane.
Parking (City Council)	The site is occupied between two residential parking zones (F & J). Subsequently, visitors to the proposed properties will not be able to park on surrounding streets.
Natural England	No objection in relation to statutory nature conservation sites. Standing Advice provided in relation to protected species. Biodiversity and landscaping enhancements should be incorporated into the development.
Lancashire Constabulary	Recommends that the development is completed to Secured by Design standard and refers to comments made in 2010. The main concern back in 2010 was the additional pedestrian access point. The police have a preference for a single access point only.

5.0 Neighbour Representations

5.1 At the time of compiling this report, 15 letters of objection have been received. The main areas of concern are as follows:

- Excessive scale of buildings (3-storey) affecting views, outlook and privacy;
- Overdevelopment of the site; fewer dwellings may alleviate concerns;
- Proximity to railway line;
- Lack of on-site car parking and the potential for commuter car parking here due to parking restrictions elsewhere locally;
- Highway safety concerns, including proximity to bend in an area used by children (play area, school, nursery, mosque);
- Inadequate assessment of traffic, parking and road safety
- Lack of supporting infrastructure (school and play area) and need for open space/allotments;
- Impacts upon Conservation Area (more imaginative scheme should be pursued);
- Better housing mix is advocated (i.e. not all rented);
- Loss of trees and wildlife; and need to retain landscape buffers;
- Separate concerns regarding tenant mix; impacts upon cultural diversity of area/social structure of neighbourhood;
- Disturbance during the construction phases of development.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
 Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
 Paragraph 32 and 34 – Transport Considerations
 Paragraphs 47-55 - Housing
 Paragraphs 56, 57, 58, 60, 61 and 64 – Design
 Paragraph 69 – Promoting Healthy Communities (place making)
 Paragraphs 109, 117 – 119 and 123 – Conserving the Natural Environment
 Paragraphs 131 – 134 – Conserving and Enhancing the Historic Environment
 Paragraph 173 – Ensuring Viability and Deliverability
 Paragraphs 186, 187, 196, 197, 203 -206 – Decision making
- 6.2 Lancaster District Development Management DPD (DM DPD)
 Policy DM20 – Enhancing Accessibility and Transport Linkages
 Policy DM21 – Walking and Cycling
 Policy DM22 - Vehicle Parking Provision
 Policy DM27 – The Protection and Enhancement of Biodiversity
 Policy DM28 – Development and Landscape Impact
 Policy DM29 – Protection of Trees, Hedgerows and Woodland
 Policy DM32 – The Setting of Designated Heritage Assets
 Policy DM35 – Key Design Principles
 Policy DM38 – Flood Risk
 Policy DM39 – Surface Water Drainage
 Policy DM41 – New Residential Development
- 6.3 Lancaster District Core Strategy (LDCS)
 SC1 – Sustainable Development
 SC4 – Meeting the Districts Housing Requirements

6.4 Supplementary Planning Guidance (SPG)
SPG 12 – Residential Design Code
SPG – Meeting Housing Needs

6.5 Other Material Considerations include the National Planning Practice Guidance (NPPG)

7.0 Comment and Analysis

7.1 The principal issues to consider in the determination of this application are:-

- Principle of development and housing need
- Layout, design and residential considerations
- Access and parking considerations
- Landscaping and Biodiversity
- Other considerations – drainage, flood risk, contamination

7.2 Principle of Development

The site is in a highly sustainable position within Lancaster with extremely good access to public transport and the nearby strategic cycle network. It is previously developed land and has been vacant for some considerable time. The regeneration of this site would meet the sustainability objectives set out in both national and local planning policy. The site has also been the subject of previous residential proposals. Whilst the earlier scheme was dismissed by the Inspectorate this was only on the basis of the oversupply of housing at the time, not because the site was unsuitable or the scale of development was inappropriate. More recently this Council has approved outline planning permission for up to 59 dwelling units.

7.3 The delivery of housing is an important element of the NPPF. Specifically, paragraph 49 states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*. Where the Council cannot demonstrate a five-year housing supply relevant housing policies should not be considered up-to-date. In which case the key test is set out in paragraph 14 which states that for decision making: *'where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole**'*.

7.4 This Council cannot demonstrate a five-year housing land supply and as such the above test applies. Securing 65 affordable units would positively contribute to the District's housing and significantly boost the Council's affordable housing targets set out in the LDCS. Addressing local housing needs through delivering affordable housing is a fundamental role in achieving sustainable development. The Council's policy seeks a mix of tenures for affordable housing, mainly 50% social rented and 50% intermediate, such as shared ownership. This proposal is slightly unique, firstly in the sense that it is a 100% affordable housing scheme and secondly as it is supported and funded by the Government's Homes and Communities Agency (HCA). The scheme housing mix and tenure have been driven by the HCA Affordable Housing Programme, specifically that their funding regime is based on affordable rented units. The local housing demand for affordable rented units in the city is most acute and the scheme will also help address the impacts of the Welfare Reform. Despite the absence of a detailed development appraisal, it is clear from past cases that viability of this site is difficult. The applicant has indicated that the viability of the scheme is marginal and relies on central government funding. Introducing a proportion of shared ownership properties within the development proposal is not considered a feasible proposition by the registered provider as it would introduce commercial risk and uncertainty.

7.5 There have been concerns raised by the local community about the density and type of housing proposed, specifically the lack of different housing types and tenures which would subsequently fail to deliver a mixed, cohesive and sustainable community. To provide some clarity on this issue, the development will be owned and managed by Chorley Community Housing (CCH). CCH operates a Local Lettings Policy which is a policy agreed with the City Council and aims to achieve an appropriate and mixed balance of tenants. It is possible to impose a planning condition requiring the developer to enter into a local Lettings Policy for the avoidance of doubt. Despite some concerns from neighbouring residents, the application is very much supported in terms of its

contribution towards housing provision, especially the delivery of affordable housing and this carries significant weight in the determination of the application. The proposal in this regard is compliant with SC1 of the LDCS, DM41 of the DM DPD and paragraphs 17, 49 and 50 of the NPPF.

7.6 **Design, Layout and Residential Amenity**

The development of the site has been heavily dictated by the constrained linear shape of the site and the proximity of the site to the adjacent railway line. The noise and vibration assessment has also heavily dictated how and where the residential units are sited. The site is also constrained by a 1000mm-diameter sewer running east-west across the site and protected trees along the eastern boundary. Other design constraints relate to the proximity of the site to nearby residential properties, in particular those on Wheatfield Street, Blades Street and properties on Villas Court, and the proximity of the development site to the adjacent conservation area.

7.7 The proposal has taken these constraints into account and like previous applications it proposes in a linear form of development with a strong building line facing the railway line. The houses will front the internal road with off-street parking along the frontage, broken up with landscaping to reduce the impact of hard standing and the clutter of vehicles forward of the building line.

7.8 One of the core planning principles of the NPPF is to “*always seek to secure high quality design*” (paragraph 17). It continues by stating that “*good design is a key aspect of sustainable development and should contribute positively to making places better for people*” (paragraph 56). Development should respond to “*local character and history and reflect the identity of local surroundings and materials*” (paragraph 58). Development Plan policy requires new development to positively contribute to the surrounding townscape and reflect local distinctiveness. The site occupies a prominent gateway position (for people visiting the city via rail) and sits adjacent to the Lancaster Conservation Area. It is essential that any new development in this location appropriately reflects or positively contributes the adjacent designated heritage asset and constitutes high quality design.

7.9 There are three main elements to the scheme, each will be assessed individually as follows:

Northern Section

This relates to all the development to the north of the main access. It comprises 15 apartments contained within 2 three-storey buildings. The northernmost building (Block A) is of very simple form with a traditional pitched roof with principal gables forming front and rear elevations. A smaller hipped gable projection added to the side provides the stairwell. The overall ridge height measures approximately 10.3m with an eaves height of approximately 8.2m. The design of the building has been revised, though Officers are still negotiating the final design and fenestration. At present the main area of concern relates to architectural detailing and the proportion and scale of the stairwell element. This building is positioned opposite an existing, larger four-storey residential building comprising residential apartments on the corner of Wheatfield Street and Meeting House Lane. The separation distance between the two units is less than 15m. Where habitable windows face habitable windows a separation of 21m should usually be provided. However, planning policy indicates there may be cases where minimum distances can be reduced or increased based on site specific circumstances. A sectional drawing has been provided which demonstrates that Block A will be positioned over 3m lower than Wheatfield Street. The level differences are such that the development would not lead to a significant overbearing impact on future occupants of this property or those of St James Court. Amendments have been requested to ensure the rooms facing Wheatfield Street are the bathroom/kitchen windows only. If amendments are provided to this effect there would be no residential amenity grounds to refuse the development.

7.8 Block B is a significantly larger building positioned south of Block A facing Wheatfield Court – a complex of two-storey residential units. The height of this building (at its highest point) is approximately 11m dropping to approximately 10.2m with an overall eaves height of 8.2m. This block has a building length of approximately 30m and it results in a large mass of building extending along Wheatfield Street. To help articulate and break-up the mass of building, wide gable projections extend forward of the smaller central/end elements on both the front and rear elevations. The design of the building has been revised though Officers are still negotiating the final design and fenestration. The main area of concern relates to the appearance of the central staircase element and the need to improve architectural detailing. This building has an interface

distance to the front elevation of Wheatfield Court of approximately 18.7m. The sections show the proposed building at the same level as Wheatfield Street and the properties opposite. At a storey higher than the properties opposite and just under the required separation standard, amendments have been sought to try and improve this relationship though given the separation distance is almost compliant this would not significantly and demonstrably outweigh the benefits of the proposal set out in this report.

7.9 Middle Section

The middle section of the site comprises the remaining three-storey apartment block (9 units) and 25 two-storey dwellings, with ridge heights approximately 8m, provided in six linear terraced blocks with associated off-street parking and private garden areas.

7.10 The remaining apartment block (Block C) is positioned to the south of the access to the rear of 14-22 Blades Street with a separation distance of 17.5m to the rear of 14-18 Blades Street and 21m to the rear of 20 and 22 Blades Street. At the northernmost part of the building this is slightly below the usually accepted minimum standard. However, in this case there is a strong belt of protected trees between the site and neighbouring properties that will help mitigate any perceived overbearing impact. Given this the degree of separation is acceptable. These trees are proposed to be retained. The scale of this building is three-storey with a maximum height of approximately 11.3m dropping to approximately 9.7m with an eaves height of 8.3m dropping to 6.3m. It consists of two main building blocks linked by a central component. Each of the components have a different roof arrangement which does not create a cohesive design. Officers are continuing negotiations with the developer in order to ensure the development is of a design appropriate to the locality.

7.11 With regards to all three of the apartment blocks, aside from the outstanding design issues, the standard of accommodation is acceptable and compliant with the Council's minimum room sizes set out in Appendix E of the DM DPD. The scheme proposes surface parking, bin storage and cycle storage within this section of the site. The site plan indicates areas of landscaping will be provided around the proposed buildings. This will help soften the appearance of the development and provide some visual greening to the area which currently does not exist.

7.12 Beyond Block C, 6 terraces of two-storey dwellings are proposed. The separation distances between the properties on Blades Street and the proposed dwellings are between approximately 21.5m and 25m. The majority of the western boundary is also made up of some significant tree planting and landscaping and as such this element of the scheme is unlikely to adversely affect the residential amenities of properties on Blade Street. The designs of the dwellings are simple. Amendments have been received to improve their overall appearance, including the removal of gable features and the incorporation of full front gables at the end of selective terraces. Windows have been simplified and fascia/verge and soffit details amendment to remove the overly bulky detailing originally proposed. The standard and internal layout of the accommodation adequately complies with policy (DM35 and SPG12). Externally however, some of the rear garden areas are below the recommended 10m in length. The garden lengths range from 7.5m to approximately 11.7m. Whilst some of the gardens may be below the minimum requirements outlined in planning policy, regard should be paid to the dense built up nature of the surrounding area where many of the properties, in fact the majority, have only a small yard as private amenity space. In this respect a refusal of planning permission on these grounds alone could not be substantiated.

7.13 Southern Section

The southernmost section of the site comprises a further 16 two-storey dwellings provided in three terraced blocks of a similar design to the middle section and a pair of semi-detached dwellings at the far end of the site. Due to the topography of the site and the relationship this property has with properties on Villas Court, Officers remain concerned about the design and visual appearance of the last two units and have requested amendments, particularly given their elevated position and prominence from Dallas Road. This section of the site shall be served via a private road as the geometry required to make this section of road adoptable is not achievable due to the proximity to Network Rail infrastructure. The precise details of surfacing materials can be controlled by condition. Despite concerns over the design of the last two units, the standard and layout of the accommodation adequately meets policies DM35 and SPG12. The garden lengths are achieved by the introduction of a log retaining structure along the eastern boundary for the southern section of the site. With this in place the gardens will provide sufficient private amenity space for future occupants. Car parking is proposed to the front of the terraces and a small parking/turning area at

the southern tip of the site, similar to that previously considered via the former outline application.

- 7.14 All of the buildings/dwellings are intended to be built in a high quality reconstituted stone, imitation slate roofing material, with grey UPVC windows. The materials in this location are critical and clearly the most desirable materials would be natural stone and slate. However, it is acknowledged that the use of natural stone and slate, together with contaminated land remediation are likely to render the development unviable. There is a high demand for affordable housing in the city and so on balance the use of reconstituted stone would be acceptable, provided extremely good quality products are used. For information, Harrier Court on Fenton Street (the large apartment development) and Villas Court on Dallas Road are developments located within the Conservation Area which have been built using reconstituted stone and are acceptable in form and setting. As for the roofing material, finding an appropriate imitation slate is more difficult. Officers are still negotiating this element and a verbal update will be provided.
- 7.15 The scheme proposes a high boundary fence along the western boundary of the site that will form an important visual feature of the development. This boundary detail needs to be aesthetically pleasing from all aspects including residential property and from the adjacent railway line. There has been longstanding concerns over the precise details of the boundary, particularly given its length extends over 400m, and previously a “green” boundary solution appeared to be the most favourable. Regretfully, Network Rail have indicated to the developer that no vegetation can be planted on their side of the boundary, so ruling out prospects for a more “green” boundary. A timber fence solution has been proposed which is not unattractive but certainly not typical of Lancaster’s vernacular. However, it would appear that there is little viable alternative. The precise details of the boundary fence can be controlled by condition to ensure there is some variation along its full length and that it of an appropriate colour and finish.
- 7.16 In terms of the architectural detail, scale and appearance, despite the submission of recent amendments, the scheme needs further improvement to positively contribute to the character and appearance of the adjacent Conservation Area. Paragraph 132 of the NPPF is particularly relevant and states that when considering the impact of a proposed development on the significance of a designated heritage asset, “*great weight*” should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the asset or its setting. In this case, whilst the existing vacant site currently does not positively contribute to the setting of the Conservation Area, its redevelopment should be high quality and sensitive to its surroundings, bearing in mind it will form the foreground to the Conservation Area and the Castle. Amendments are required to secure a development proposal which would sufficiently comply with the design and heritage related policy set out in the NPPF and the DM DPD. The developer is cooperating and it is anticipated suitable amendments will be received. If amended plans are not submitted or the plans submitted fail to address Officer concerns, Members will need to carefully balance the impacts of the proposal, namely poor design, against the benefits of delivering much needed affordable housing in the city.
- 7.17 **Amenity of Future occupants – Noise and Vibration Assessment**
Given the proximity of the site to the adjacent railway line, the application includes a noise and vibration assessment.
- 7.18 Noise mitigation measures have been incorporated into the design of the development. These are predominantly consistent with previous noise assessments and proposals for this site. The measures included are as follows:
- Maximise the separation between the adjacent railway and new dwellings;
 - Position noise sensitive rooms of closest dwellings so as not to directly overlook the railway line;
 - Incorporate facade components with acoustic properties;
 - Acoustic screening – though the assessment indicates that the acoustic properties of such a barrier would still require glazing and ventilation mitigation.
- 7.19 A scheme for noise mitigation and implementation will need to be formalised by an appropriately worded planning condition, as was the case on the previous outline consent. The Council’s Environmental Health Officer has raised no objections.
- 7.20 In terms of vibration, whilst there will be some vibration from passing trains, the vibration levels

assessed have been found to be below the threshold levels outlined in *BS6472 'Guide to the evaluation of human exposure to vibration in buildings'* and as such would not prohibit residential redevelopment. Based on the assessments there are no objections to the development on the grounds of vibration. It should also be highlighted that the Inspector when considering the 2003 case had not raised noise or vibration as a significant issue which would render the principle of residential development unacceptable.

7.21 **Access and parking**

The application site is highly accessible being located within easy walking distance of the city centre. It is also only 250m north of the application site entrance to the West Coast mainline railway, 120m to bus stops on Meeting House Lane only 600m to the Lancaster Bus Station. In the immediate area there is a cycle route along Carr House Lane to the south and an off-site cycle lane along the other side of the railway line to the west providing access to the residential area of Fairfield.

7.22 Wheatfield Street is a relatively minor road but it is used to provide a connection between Meeting House Lane to the north and Dallas Road to the east. This route is regularly used by vehicles and pedestrians accessing the primary school, the mosques, the community centre and nursery on Dallas Road. The street is situated in a 20mph zone with restricted parking (residential permits) on surrounding streets. At the proposed access the junction visibility is good in both directions. In the vicinity of the site, the street is approximately 7.8m-8m wide with footways of around 1.8m width on each side. This access will form the main vehicle access for the development, but will also be open to pedestrians and cyclists. The proposed access is consistent with the outline permission which also sought consent for the access. The Highway Authority have also raised no objection. In this regard, it is contended that the proposal is acceptable and compliant with section 4 of the NPPF and policy DM20 of the Development Management DPD (DM DPD).

7.23 The internal road system is basically a straight length of carriageway with no narrowing or chicanes to help reduce vehicles speeds. Whilst the use of road calming would generally be supported it is quite difficult on this site due to the position of the parking bays. Notwithstanding this, Officers have asked the developer to consider the options suggested by the Highway Authority. It is contended that the careful use of surfacing materials could help improve the appearance and encourage a sense of shared space between users thus also providing a mechanism to help limit vehicles speeds on site. Such detail can be controlled by condition. The road will be designed and built to adoptable standards up to the turning head, beyond which the road will remain in private ownership. To improve legibility and accessibility for pedestrians and cyclists, a second pedestrian/cycle access point is proposed directly onto Blades Street. This will involve significant engineering works given the change in levels between the site and Blade Street. Sections have been provided to demonstrate the scale of the works proposed, though full details can be controlled by condition to ensure it is a suitable route for pedestrians and cyclists alike. Historically there have been aspirations for a link at the southern tip of the site to the Carr House Lane cycle route. Unfortunately this route is unlikely to be feasible due to the changes in land levels. This was sufficiently evidenced and accepted during consideration of the previous full application (10/01319/FUL) and so there is no reason to explore this matter further under this application.

7.24 In terms of parking provision, 72 parking spaces are proposed within the site, equating to 100% parking with 7 visitor spaces. The Highway Authority have not objected to the level of parking proposed and the proposal is compliant with policy DM22 of the DM DPD. Secure covered cycle parking storage shall be provided adjacent to each of the apartment blocks and for the houses cycle parking will be available within the curtilage of each unit. Precise details to be controlled by condition.

7.25 Despite the above, the Highway Authority and local residents have highlighted concerns over parking in the area surrounding the site. Until relatively recently, the streets surrounding Wheatfield Street, including Blades Street, were used by commuters seeking to avoid car parking charges. The surrounding streets are now predominately restricted to residents only. The Highway Authority have indicated that the proposed development would also need to restrict on-street parking to prevent commuter parking. The developer will be responsible for the Highway Authority's costs of investigating and implementing a scheme of waiting limitations if they wish for the roads to be adopted. Similarly, the existing Traffic Regulation Order for the existing 20mph zone in the area will need to be amended so that the proposed new highway can be incorporated

into this zone. The developer has raised no objections to this. Both would be controlled by planning condition. With such restrictions in place, the inclusion of 7 visitor parking spaces on site in addition to an accepted level of private parking (100%) is a positive addition to the development.

- 7.26 In addition with the above requirements, the Highway Authority have indicated further off-site works are required to make the development acceptable, primarily in the form of accessibility enhancements and works to encourage the use of more sustainable travel. The works required involve the following:
- Improvement of existing bus stops facilities (ref 2500IMG1252 & 2500DCL3062 Meeting House Lane) to County Council quality bus stop standards; and,
 - Alterations to Blades Street to form a secondary access for pedestrians and cyclists including a contra flow cycle lane in the southerly section of Blade Street with amendment to the existing Traffic Regulation Order to allow two way access for bicycles.
- 7.27 In highway terms, the application is similar to the previous outline consent. The Highway Authority are satisfied that the proposed development will not have a significant adverse impact on the local highway network and are satisfied that the access to the site can be provided off Wheatfield Street. As a consequence, there are no highway objections to the proposal, provided conditions are imposed concerning the access, internal layout and pedestrian/cycle links, parking provision and management, construction method statement and a scheme for off-site highway works.
- 7.28 **Landscaping & Biodiversity**
Whilst most of the site is now derelict, there are some protected trees (groups of trees) on the site. These trees are protected by Tree Preservation Order (TPO) 301 (1999) and TPO 397 (2006) covering the group of trees along the eastern boundary to the rear of part of Blade Street and a small group of trees to the rear of the open space between the Lancaster Boys Club and Villas Court. The application identifies 23 individual trees and 16 groups of trees within or in close proximity to the site. The majority of the trees surveyed are self-grown and have colonised on the fringes of the site and the steep embankment along the eastern boundary.
- 7.29 In order to facilitate the development a total of 20 individual trees and 11 groups of groups of trees are required to be removed. The trees between the application site and the first terrace of Blades Street (Group 13 as shown on the tree protection plan) will be retained and protected, as will a small group of trees on the eastern boundary (Group 1) to the rear of the proposed plots 54–61. The extent of tree removal is consistent with early proposals on this site and is considered acceptable provided a suitable replacement tree-planting scheme is delivered via planning condition. The southern tip of the site could accommodate replacement planting with additional planting along the eastern embankment to bolster the existing tree belt. This will enhance biodiversity and sustain an important visual amenity resource. The Tree Protection Officer has raised no objections to the proposal subject to the imposition of a number of conditions to secure adequate tree protection and landscaping. The scheme would not conflict with policy DM29 of the DM DPD.
- 7.30 Turning to biodiversity, the principle of development on this site is well established, however the natural environment and biodiversity can change so the developer has undertaken an up-to-date ecological assessment for the site and an additional bat report. There is a significant amount of built development and transport infrastructure which separates the site from statutory nature conservation sites (such as Morecambe Bay). Natural England have raised no objections to the proposal and have indicated an Appropriate Assessment (Habitat Regulations) is not required.
- 7.31 The application has assessed the site for protected species and has made a number of recommendations, these include badger and bat surveys, native species landscape planting, protection of existing trees, timing of site clearance (in relation to potential reptile habitats and breeding birds), and works for the safe eradication of invasive species.
- 7.33 On the whole these recommendations are acceptable, with the exception of the recommendations set out for protected bats. The Council have a statutory duty in relation to assessing the implications of development proposals on the conservation status of protected species under European legislation. The authority cannot determine an application without understanding the true impacts of the proposal on bats and whether mitigation is required.
- 7.34 The developer has undertaken a bat report which is not consistent with the recommendations set out in the Phase 1 ecology statement. Officers have sought clarification about this matter. The

developer's ecology consultant (for the bat report) has provided a further response which sets out that in accordance with the Phase 1 report there were no bats recorded on site. The trees identified in the phase 1 report as having low potential have been reassessed by a professional ecologist and licenced bat consultant. Their surveys concluded the semi-mature trees on site offer no significant opportunity for bats roosts and no evidence of any roosts were recorded. Subsequently, in accordance with the Bat Conservation Trust guidance (figure 4.1) no survey effort is required. This conclusion is consistent with the conclusions drawn when considering earlier schemes on this site. On this basis, Officers are satisfied that the development will not impact the status of bats in the area. Recommendations set out in the bat report shall be secured by condition to enhance the biodiversity value of the site, such as the incorporation of bat bricks and bat boxes.

7.35 **Other issues – Drainage, Flood Risk and Contamination**

The developer has considered options to deal with surface water drainage in accordance with the hierarchy set out in the response from United Utilities and policy requirements to incorporated sustainable urban drainage systems (SuDS) where it is possible. Unfortunately ground conditions and the proximity to Network Rail infrastructure means infiltration of surface water is unlikely to be an option. Similarly, the ability discharge to Lucy Brook is considered difficult as the watercourse is located on the opposite side of the railway line. Subsequently, the applicant has sufficiently demonstrated that an above-ground SuDS scheme is not feasible and so the proposal is for surface water to discharge to the public sewer. With the lengthy vacancy on the site, United Utilities, wish the discharge rate to the sewer to be based on greenfield rates (despite the site being a brownfield site), calculated at 11.7l/s. Attenuation storage will be required. This is most likely to be delivered via over-sized pipe tank systems underground and an outlet flow control device. The precise details of the surface water drainage scheme can be controlled by condition now the discharge rates and attenuation requirements are established. The Flood Risk Assessment and Drainage Strategy sufficiently demonstrate the site can drain without causing a flood risk on site or elsewhere. United Utilities, the Environment Agency and the City Council's own drainage engineer have raised no objections subject to the imposition of conditions. The development is considered compliant with Development Management policies DM38 and 39.

7.36 With regards to contamination, a Phase 2 report has been submitted and is in the process of being considered by the Environment Agency and the Council's Contaminated Land Officer. It is anticipated that contamination concerns can be adequately addressed either through the remediation measures set out in the submitted report or in the event the report is not sufficient through the imposition of conditions. A verbal update will be provided on this matter.

8.0 Planning Obligations

8.1 There have been no requests for financial contributions that would need to be secured by legal agreement. Specifically, County Education have not requested any contribution towards school places. In terms of securing the affordable housing, this is an application for 100% affordable housing and as such Officers are satisfied that securing the affordable housing can be controlled by condition. Similarly, all the off-site highway works can be secured by s278 and condition rather than by a s106 agreement.

9.0 Conclusions

9.1 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development encompasses an economic, social and environmental role and that these roles are mutually dependant. This proposal presents an opportunity to redevelopment a vacant brownfield site in a highly sustainable location. It is also a site where the Council have previously accepted the principle of redeveloping the site for residential purposes. The proposal will contribute to the District's under supply of housing and will provide much needed affordable housing in the city. In accordance with paragraph 49 and 14 of the NPPF, the delivery of housing in a sustainable location carries significant weight and for decision making this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrable outweigh the benefits of the proposal. As the application stands, the main outstanding issue relates to design and the impact of the proposal on the adjacent Conservation Area. Officers are confident that these concerns can be resolved and if that is the case (prior to Committee) that the proposal can be supported.

Recommendation

Subject to the receipt of satisfactory amended plans, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Amended Plans (TBC)
3. Development to be carried out in accordance with approved plans
4. Affordable Housing condition
5. Local Lettings Plan
6. Construction Method Statement
7. Construction of new access and cycle/pedestrian connection
8. Protection of visibility splays
9. Adoptable highway details required and to be implemented prior to occupation
10. Details of secure cycle storage to be provided and implemented prior to occupation
11. Provision of car parking
12. Off-site highway works involving alterations to the access on Blade Street and provision of two-way cycle traffic
13. No occupation until the approved scheme referred to in condition 11 have been constructed and completed
14. Condition requiring a traffic management plan for parking and speed limits within the site
15. Tree protection condition
16. Development to be carried out in accordance with Arboricultural Method Statement
17. Tree Works schedule
18. Landscaping condition including a replacement planting scheme and hard landscaping to be submitted implemented
19. Maintenance regime for landscaping to be provided prior to the commencement of development
20. Precise details of all boundary treatments and plot enclosures including the acoustic barrier
21. Precise details/samples of all external materials including stonework details
22. Precise architectural details (windows /doors/porch/ balustrades/eaves/verge/ridge/rainwater goods)
23. A scheme for open space provision and maintenance
24. Development to be carried out in accordance with Noise and Vibration Assessment and precise details of mitigation to be submitted and agreed.
25. Development to be carried out in accordance with the submitted FRA and Drainage Strategy
26. Precise details of surface water drainage
27. Details of refuse storage
28. Development to be carried out in accordance with submitted ecological surveys/recommendations

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has and continues to proactively work with the applicant/agent in negotiating amendments which should positively influence the proposal and secure a development that accords with the Development Plan and the National Planning Policy Framework.

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 2 March 2015</p>	<p>Application Number 14/01289/FUL</p>
<p>Application Site Land Adjacent To Westgate And Heysham Railway Branch Line Westgate Morecambe</p>	<p>Proposal Erection of 90 new dwellings with associated access</p>	
<p>Name of Applicant Chorley Community Housing</p>	<p>Name of Agent Mr Simon Halliwell</p>	
<p>Decision Target Date 20 March 2015</p>	<p>Reason For Delay None</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Subject to matters being resolved, approval</p>	

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 2.1ha parcel of land roughly triangular in form with its widest part fronting Westgate (approximately 207m) tapering to a point at the far northern end of the site. The site borders Westgate to its southwestern boundary; the Morecambe-Heysham railway branch along the northwestern boundary and the Globe Arena along the eastern boundary. The Hurley Flyer public house sits to the east of the site separated by a small section of scrub land. Opposite the site there are a number of residential and holiday caravan parks. Beyond the railway line the predominant land use is residential consisting mainly two-story semi-detached properties, though there are a couple of dormer bungalows backing the site.
- 1.2 The site is approximately 850m from the West End local centre and approximately 1.3km to Morecambe Town Centre. Westgate links to the A589 (Morecambe Road) to the east and again to the A589 (Marine Road West) on the coast to the west. Access to public transport is good with bus services running along Westgate regularly to the centre of Morecambe. The train station is situated approximately 1km to the north of the site (as the crow flies). There is a public right of way (FP23) on the opposite side of Westgate close to the junction with Westcliffe Drive which provides access to a network of footpaths heading out towards the Lune Estuary.
- 1.3 Westgate itself rises over the railway line along the site frontage. On the site there is a small embankment which sits up against Westgate and quickly flattens out. The remainder of the site is pretty level. The land itself once formerly fields has remained vacant for some considerable time and is now taken over to dense scrubland and grassland with trees formed along two of the sites three boundaries. Steel palisade fencing enclose the site on all boundaries.
- 1.4 The site is largely unconstrained. It is located within the main urban area of Morecambe adjacent to existing development; it is outside any conservation area designation with no listed building in the vicinity of the site likely to be affected by the proposal; there are no protected trees on site or bordering the site and the site falls within flood zone 2. In terms of land allocations, the site has a longstanding allocation as a housing opportunity site.

2.0 The Proposal

2.1 Full planning permission is sought for 90 residential units with associated access off Westgate close to the location of the existing field access. The scheme is 100% affordable housing supporting by central government funding.

2.2 The breakdown of accommodation comprises the following:

- 21 x 2-bedroom dwellinghouses
- 26 x 3-bedroom dwellinghouses
- 5 x 4-bedroom dwellinghouses
- 1 3-bedroom bungalow
- 6 x 2-bedroom bungalows
- 1 x 1 bedroom bungalow
- 16 x 1-bedroom apartment
- 14 x 2-bedroom apartment

All dwellings shall be designed and constructed to meet Code 3 of the Code for Sustainable Homes.

2.3 The development is arranged around an internal loop road arrangement with the bungalows located in the central core of the site. The principal apartment block is two storey in height fronting Westgate to the east of the proposed access. This block is over 50m in length with a maximum ridge height of approximately 8.7m. The height of the block gradually steps down towards the Hurley Flyer public house with discrete steps along the frontage to break up the massing of the building.

2.4 Apartment Blocks B and C are located to the rear of the site. Both of these blocks are two-storey (maximum ridge height to 7.7m). Block B has its rear elevation facing the rear of the Globe Arena and Block C backing the railway line. Parking courts are located to the south of these two blocks. Amenity space has been provided to the north of Block C providing some greening and open space to the development.

2.5 The dwellings are predominately pairs of semi-detached units facing into the central core of the site on the west side of the internal loop road. To the east of the loop road the dwellinghouses are arranged into courtyards with the side elevations of the end units siding the Globe Arena. The majority are all two-storey units with the exception of the end units which act as 'bookends' and are three storey with dual aspects.

2.6 The proposal materials comprise of a mix of three contrasting bricks, concrete interlocking roof tiles, laminate cladding, such as Trespa, with grey UPVC windows and fascia/soffits.

2.7 A single vehicle access is proposed off Westgate opposite the junction into the regent Leisure Park. The new access will provide footways to both sides to provide suitable pedestrian access into the site also. The internal road layout is a loop arrangement with section of narrowing and change in materials to act as traffic calming measures. The scheme proposes 174 parking spaces arranged around three parking courts and in-curtilage parking for dwellinghouses.

3.0 Site History

3.1 Whilst the general locality has witnessed development in recent years (The Globe Arena and The Hurley Flyer), the applications relating to the site are over 30 years old, namely:

Application Number	Proposal	Decision
1/79/72	Renewal of outline planning permissions for the erection of 26 semi-detached bungalows, 38 semi-detached houses, 3 detached houses, 12 self-contained flats and 12 garages and off-street parking	Refused
1/78/1097	Amended layout for the siting of seventy nine dwellings	Approved
1/75/1227	Outline application for the erection of 26 semi-detached	Approved

bungalows, 38 semi-detached houses, 3 detached houses, 12 self-contained flats and 12 garages and off-street parking
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4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No objections subject to the following conditions:</p> <ul style="list-style-type: none"> • Details of internal carriageway and connection to existing highway • Details of any requirements to re-profile or cut then existing embankment • Roads to be built to adoptable standards • Improvement/relocation of existing bus stop facility at Regent Caravan Park • Inclusion of ghost island vehicular right turn and pedestrian refuge • Construction method statement • Protection of visibility splays • Review and investigation of TRO in relation to parking within the site. <p>Concerns raised regarding highway drainage & parking management given existing parking problems associated with the football stadium. The above condition should resolve concerns and drainage proposals are currently under review.</p>
Environmental Health	<p>Concerns relate to inadequate noise assessment in relation to plots 1-16 and 67-82 and minimal assessment of light pollution and nuisance from the stadium. The developer has provided further information which is under consideration.</p> <p>Subject to addressing the above, the mitigation measures set out in the noise assessment to be conditioned to secure acceptable living conditions for future occupants given proximity to football stadium - full glazing and ventilation details to be conditioned.</p> <p>Standard contaminated land conditions to be imposed. The developer has provided a site investigation report following these comments. At the time of writing this report, comments from the Contaminated Land Officer remain outstanding.</p>
Network Rail	<p>No objections subject to a number of conditions - Provision of an appropriate 1.8m high fencing along railway boundary including acoustic mitigation measures; Details of drainage ensuring the site drains away from Network Rails assets; Details of any earthworks, finished floor levels carried out near the railway line. Advice notes in respect of construction, landscaping, noise and vibration are also provided for the applicant should permission be forthcoming.</p>
Strategic Housing Officer	<p>No objections – the scheme has already secured central government funding through the Homes and Communities Agency to deliver the development. The scheme delivers a mix of housing types and sizes that will meet the local housing need and welfare reforms, including bungalows. Given the location of the site in close proximity to existing affordable housing stock, the Council with the applicant would agree a Local Lettings Plan to ensure there is an appropriate mix of occupants on site to achieve a sustainable environment.</p>
Environment Agency	<p>No objection subject to conditions regarding (a) Development to be carried out in accordance with the FRA, and (b) Surface water drainage details.</p>
United Utilities	<p>No objections subject to a condition requiring details of the foul and surface water drainage. No surface water to drain to the existing sewer.</p>
City Council Drainage Engineer	<p>Concerns about the proposed surface water drainage strategy. The surface water could drain to the existing drainage ditches and watercourse rather than the public sewer. This should be explored further and details of how surface water will be dealt with addressed prior to determination as the details could affect the layout.</p> <p>Further drainage proposals have been submitted and are currently under further consideration.</p>
Tree Protection	<p>Objection - amendments to demonstrate retention and protection of more of the</p>

Officer	existing trees established to the northern and southern boundary lines.
County Planning	No objections subject to a contribution of £108,267 to go towards 9 primary school places.
Lancashire Constabulary	No objections but concerns raised over parking. The adjacent football club results in excessive parking on the highway. The new development would need to ensure appropriate parking restrictions are imposed to prevent football supporters visiting the club parking on the roads within the new development.
Lancashire Fire Service	Refer to requirements under Building Regulations.
Morecambe Town Council	No objections subject to Highways being satisfied with the new junction, parking restrictions imposed to minimise parking issues that arise from, the adjacent Club on match days, conditions relating to flood risk (finished floor levels) and a management plan for the affordable housing.

5.0 Neighbour Representations

5.1 At the time of compiling the report 5 letters of objection have been received. The main reasons for opposition are as follows:

- Inappropriate location for residential development due to proximity to the football ground – noise, traffic and parking is horrendous on match days.
- Increase in traffic in the Westgate Area and dangerous junction proposals
- Impact on local infrastructure (schools/doctors)
- Impact on house values
- Increase in anti-social behaviour because of the type of housing proposed
- Detrimental impact to the character of the area
- The area is prone to flooding
- Lack of public consultation

Please note the consultation period for public consultation is still ongoing at the time of compiling this report. A verbal update will be provided if additional letters are received.

A letter on behalf of Marston's Inns and Taverns expresses concerns that additional residential development adjacent to their premises could place unreasonable restrictions on their operations which would affect the viability of their business. They have questioned the adequacy of the noise assessment on the basis of the time of year the assessment was undertaken (November). It does not cover the summer months when activities around the application site may be greater due to greater use of the premises external space. Subsequently, questioning whether the LPA can make an informed decision of the likely impacts of neighbouring uses on the proposed development.

In addition to the above, David Morris MP has written to the local planning authority expressing concerns on behalf of his constituents. The main areas of concern are as follows:

- Risk of flooding to surrounding Westgate area if the site is developed;
- Parking problems in the area and additional pressure this will place on Police resources especially on match day;
- Lack of school places at the local school.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)
 Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
 Paragraph 32 and 34 – Transport Considerations
 Paragraphs 47-55 - Housing
 Paragraphs 56, 57, 58, 60, 61 and 64 – Design
 Paragraph 69 – Promoting Healthy Communities (place making)
 Paragraphs 109, 117 – 119 and 123 – Conserving the Natural Environment
 Paragraph 173 – Ensuring Viability and Deliverability
 Paragraphs 186, 187, 196, 197, 203 -206 – Decision making

6.2 Lancaster District Development Management DPD (DM DPD)
 Policy DM20 – Enhancing Accessibility and Transport Linkages
 Policy DM21 – Walking and Cycling

Policy DM22 - Vehicle Parking Provision
Policy DM27 – The Protection and Enhancement of Biodiversity
Policy DM29 – Protection of Trees, Hedgerows and Woodland
Policy DM35 – Key Design Principles
Policy DM38 – Flood Risk
Policy DM39 – Surface Water Drainage
Policy DM41 – New Residential Development

6.3 Lancaster District Core Strategy (LDCS)
SC1 – Sustainable Development
SC4 – Meeting the Districts Housing Requirements

6.4 Lancaster District Local Plan (LDLP)
Saved Policy H2 – Housing Sites in Previous Local Plans

6.5 Supplementary Planning Guidance (SPG)
SPG 12 – Residential Design Code
SPG – Meeting Housing Needs

6.6 Other Material Considerations
National Planning Practice Guidance (NPPG)

7.0 Comment and Analysis

7.1 The principal issues to consider in the determination of this application are:-

- Principle of development and housing need;
- Access and parking considerations;
- Layout, design and residential considerations;
- Landscaping and Biodiversity; and,
- Other considerations – drainage, flood risk, contamination.

7.2 The site is an allocated housing opportunity site as set out in saved policy H2 of the LDLP. This site was an allocated site in the previous Local Plan too. It consists of scrub and grassland. Whilst it is technically greenfield land its condition and appearance is not particularly appealing. Areas of the land along Westgate have been used for dumping waste and litter creating a poor and unattractive environment. The redevelopment of the site will improve this current situation.

7.3 The delivery of housing is an important element of the NPPF. Specifically, paragraph 49 states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*. Where the Council cannot demonstrate a five-year housing supply relevant housing policies should not be considered up-to-date. In which case the key test is set out in paragraph 14 which states that for decision making: *'where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole'*.

7.4 This Council cannot demonstrate a five-year housing land supply and as such the above test applies. Securing 90 affordable units not only positively contribute to the Districts housing supply but would also significantly boost the Council's affordable housing targets set out in the Core Strategy. Addressing local housing needs through the delivery of affordable housing plays a fundamental role in achieving sustainable development. This proposal provides a good mix of housing types comprising mainly 1, 2 and 3 bedroom units. The scheme delivers 'cottage-style' flats for some of the smaller units which is supported by the Council's Strategic Housing Officer. The delivery of bungalows is also something highly welcomed as these will target the over 55 years or those with mobility difficulties. The proposed tenure is for 100% affordable rent which will be calculated at no more than 80% of the local market rent. Whilst our policy seeks a mix of tenures for affordable housing, mainly 50% social-rented and 50% intermediate, such as shared ownership, this proposal is quite unique. Firstly it is a 100% affordable housing scheme and secondly as it is supported and funded by the Homes and Communities Agency (HCA). The scheme housing mix and tenure have been driven by the HCA Affordable Housing Programme, specifically that their funding regime is based on affordable rented units; the local housing demand

for affordable rented units in the area and the fact that the housing mix will help address the impacts of the Welfare Reform. The scheme has been discussed at the pre-application stage with Officers and supported by our Strategic Housing Officer.

- 7.5 In this case, Chorley Community Housing will provide the Council with 100% nomination rights for the initial letting of the 90 units and no few than 50% subsequent lettings which will be advertised through the Council's Choice Based Lettings Scheme and prioritisation scheme. The Council and Chorley Community Housing will agree a specific lettings plan to ensure the right balance of tenants on site. This can be secured by planning condition.
- 7.6 Overall, the principal of residential development on this site is well established through the long standing housing allocation of the site. The scheme will also address a much needed housing need for the district as a whole and deliver affordable housing that will address local needs. In this sense, the proposal is compliant with the spirit of section 4 of the NPPF and DM41 of the DM DPD.
- 7.7 **Access and parking considerations**
Policy DM20 states that the Council will seek to ensure development proposals, particularly those that will generate significant footfall and vehicle journeys, are located where sustainable travel patterns can be achieved and are located in close proximity to main transport routes. This is consistent with the guidance set out in the NPPF.
- 7.8 The proposed development is located in the urban area of Morecambe with good access to local services and public transport. The West End local centre is within 1km of the site with the nearest local school and children's centre less than 650m from the site. Regular bus services are available off Westgate with the closest bus stop only 120m from the site. The train station is approximately 1.7km from the site where there are regular services to Lancaster. With regards to cycle links, there is a local cycle route which directly passes the site where it links to the national cycle route (No.69) approximately 1.6km north-east of the site. Overall, the site is accepted to be positioned within a highly sustainable location – locations that can support new residential development.
- 7.9 In terms of the acceptability of the site access, the application has been accompanied by a detailed Transport Assessment (as advised at the pre-application stage) to demonstrate that a suitable and safe access can be provided, in accordance with paragraph 32 of the NPPF, and that the scale of development would not adversely affect the safe operation of the local highway network.
- 7.10 A Traffic Impact Assessment has been undertaken which comprised detailed traffic surveys and modelling. This assessment indicates that the proposed residential development could potentially generate in the region of 35 two-way trips in the AM peak hour and 41 two-way trips in the PM peak hour. Traffic Generation Assessments have subsequently concluded that the development can be safely accommodated with minimal impact on the highway network. The Highway Authority have raised no questions or objections in relation to the assessment undertaken.
- 7.11 The applicant proposes a new access off the B5274 Westgate, which runs in an east-west alignment and is approximately 8-9 wide with footways to both sides. This road is subject to a 30mph speed limit. The access is proposed in a similar position to the field access directly opposite the access to Regent Caravan Park. The access road is 5.5m wide with footways either side with a junction radii of 10m. Visibility splays of 2.4m by 43m can be provided in both directions. County Highways have raised no objections to the location, dimensions or the proposed visibility splays for the new access.
- 7.12 The internal road layout consists of a loop arrangement making it more efficient for larger vehicles to access and egress the site in forward gear. Selected areas of narrowing and changes in surface materials are proposed to provide traffic calming measures throughout the scheme. It is anticipated that the main internal loop road will be adopted with the parking courts remaining in private management. The precise details of the carriageway shall be controlled by condition.
- 7.13 Off-street parking shall be provided for 174 vehicles which equates to just short of 200%. The application indicates all space spaces will be provided for each dwellinghouse and 2-bed flats with 100% parking provision provided for the 2 bedroom flats and 1 bedroom bungalow. The level of provision is regarded acceptable given the nature of the proposal and the sustainable location.

The Highway Authority have indicate the level of provision if adequate. On this basis, the scheme is compliant with Policy DM22.

- 7.14 Parking issues in the area have been raised as a concern by local residents, the MP, the Police and the Highway Authority. It is understood that on match days in particular on-street parking on surrounding streets in the vicinity of the Globe Arena is problematic. Subsequently, the developer will have to provide a scheme for parking management which would involve the developer funding and investigating a range of Traffic Regulation Orders to limit on-street parking at the point of access and within the site. The development would also have to provide adequate management regimes to secure the private parking spaces are not abused by visitors to the football club on match days. It is contended that an appropriately worded planning condition to secure an appropriate scheme for parking management on site would be acceptable.
- 7.15 The Highway Authority have indicated that some off-site highway works would be required to ensure the proposal is acceptable, in accordance with paragraph 206 of the NPPF. The works required include the improvement and possible relocation of an existing bus stop on Westgate close to Regent Caravan Park and the setting out, laying and construction of a right turn ghost island in conjunction with pedestrian refuge facility. Such work can be delivered via condition and s278 under the Highway Act, though Officers have requested a plan to ensure the proposed access and works satisfies the Highways Authority. Members will be verbally updated on this matter.
- 7.16 Overall, the applicant has sufficiently demonstrated that the proposed development can be safely accessed, provides sufficient parking and is not going to adversely affect the safe operation of the local highway network. To deal with parking problems in the area, conditions are recommended to secure appropriate parking management on site particularly during match days. On this basis, it is contended that the proposal is acceptable from a highway safety perspective and that the development complies with paragraph 32 of the NPPF and policies DM20 and DM22.
- 7.17 **Layout, Design and Residential Amenity Considerations**
The application site is positioned between a number of noise-generating land uses including the Morecambe–Heysham railway line, the Globe Arena football stadium, the Hurley Flyer public house and Westgate public highway. Subsequently, the application has been accompanied with an acoustic report as assess the appropriateness of the site for residential purposes.
- 7.18 The assessment proposes mitigation specific to the adjoining uses. In each case the building envelope will need to be improved though the use of specific acoustic glass and ventilation systems. This level of mitigation is acceptable for within the buildings and habitable rooms. For external amenity space, acoustic barriers are proposed along the boundaries with the Globe Arena, Hurley Flyer and the railway line. The assessment indicates that Westgate (where the road rises above the site) would omit the need for an acoustic fence in this location. The assessment considers that the noise generated from fixed plant at the Hurley Flyer would not lead to an unacceptable impact on future occupants. Representations from the adjacent public house question the robustness of the noise assessment, in particular that there has been no assessment of day/evening noise generated from the external areas of the public house especially during summer months. The applicant has been made aware of these representations and is considering the matter further. Their concerns are already summarised in this report; and for information the Hurley Flyer planning permission allows opening between the hours of 0700 to 0030 Sunday to Thursday and 0700 to 0130 on Friday and Saturday.
- 7.19 The Council's Environmental Health Service have accepted the mitigation measures proposed but have sought further information in relation to the acoustic requirements along Westgate. They have raised no concerns over the compatibility of the site adjacent to the public house, railway or football stadium subject to the mitigation prescribed in the submitted report being secured by condition. The applicant is addressing the outstanding issues raised by Environmental Health and those raised by Marstons. A verbal update will be provided. Paragraph 123 of the NPPF clearly states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts. With the exception of the two outstanding matters, the applicant has demonstrated noise emanating from adjoining uses would not render the site unsuitable for residential development. As for the concerns raised by the adjacent public house, it is acknowledged that it is an established business and that new development adjacent to it should be appropriately mitigated to avoid existing businesses later having unreasonable restrictions imposed on them because of

changes to the neighbouring land use. This will be further considered once the applicant has provided their response to these representation.

- 7.20 Turning to the layout and design: One of the core planning principles of the NPPF is to “*always seek to secure high quality design*” (paragraph 17). It continues by stating that “*good design is a key aspect of sustainable development and should contribute positively to making places better for people*” (paragraph 56). Development should respond to “*local character and history and reflect the identity of local surroundings and materials*” (paragraph 58). Development Plan policy requires new development to positively contribute to the surrounding townscape and reflect local distinctiveness.
- 7.21 The local area is not defined by a specific local building style or appearance and so the applicant has adopted a contemporary approach to the appearance of the proposed dwellings and the layout to the scheme in general. The use of brick as the principal material under interlocking roof tiles raises no issues. The clever use of contrasting brick and cladding to the facades helps articulate what could otherwise be relatively bland buildings. The well-designed ‘bookend units’ to each street addresses their dual aspect and adds interest, along with the porch detail, large box window frames, contemporary dormer detail and the subtle variation in the design approach between the dwellings and the apartments. Such features create 3-dimensional relief to the streetscenes and are fully supported. The mass of the apartment blocks are broken up by the use of porches or subtle changes in height as the units respond to the topography. The steps along the façade of Block A also help add interest and reduce the overall bulk of this building. The submitted street scene drawings help demonstrate that this scheme will deliver high quality design which will create a strong sense of place. In relation to layout and design, it is contended that the proposal complies with paragraphs 55-58 of the NPPF and policy DM35 of the DM DPD.
- 7.22 The layout also demonstrates compliance with the residential amenity standards set out in the DM DPD. Separation distances between the proposed units are acceptable and the garden sizes are in general 10m in length as specified in policy DM35. With regards to proximity to existing dwellings, the main bulk of existing residential development is on the opposite side of the railway line and so sufficiently far enough away not to be affected by the proposal. In respect of existing and future amenity, the proposal complies with paragraph 17 of the NPPF and policy DM35 of the DM DPD.
- 7.23 **Landscaping and Biodiversity**
There are no tree preservation orders or conservation area constraints affecting trees within the site or on any immediately adjacent land. The site is characterised by hedgerows and areas of scrubland, much of which can be seen from the public domain. Trees and hedgerows within the site provide important greening and partial screening, including from the railway branch line to the north, public highway to the south and Morecambe Football Club to the east.
- 7.24 The applicant has submitted an Arboriculture Implications Assessment (AIA). A total of 4 groups of trees and 9 individual trees have been identified, including tree species of hawthorn, sycamore, alder, willow and lime. The AIA reports trees as being of “low value” (category C) and as such, should not represent a constraint to development. Whilst the Tree Protection Officer does not disagree with these conclusions, particularly along the Westgate and railway boundaries, these trees provide invaluable greening as well as creating a buffer between the development, absorbing noise and pollution not to mention their wildlife value. On this basis, the Council’s Tree Protection Officer has objected to the proposals. The applicant has indicated that they will revise the plans to retain more trees along the railway and Westgate boundaries in order to resolve these concerns. A verbal update will be provided in relation to this matters.
- 7.25 The landscaping includes areas that serve to break-up areas of car parking and provides ample open greenspace in the form of amenity areas. These details are welcomed.
- 7.26 With regards to biodiversity, the NPPF clearly states that the planning system should “*contribute to and enhance the national and local environment...by minimising impacts on biodiversity and providing net gains where possible*”. This is echoed in local planning policy DM27. The applicant’s extended phase 1 habitat survey and bat report confirms that the site comprises a number of habitat types, including dense scrub, semi-natural woodland and poor semi-improved grassland. It has also assessed the use and potential use of the site by protected species such as bats, breeding birds and badgers. Furthermore it assesses the proposal in relation to nearby

internationally designated sites, including Morecambe Bay.

- 7.27 The assessment concludes that no protected species were found on site but that mitigation and further surveys are recommended. This includes repeat badger survey before the commencement of development, additional activity surveys and the assessment of trees for bat roosts in relation to bats, clearance of any trees, hedges, grassland being carried out outside the bird breeding seasons, together with native planting and sensitive lighting to enhance the ecological value of the site.
- 7.28 On the whole these recommendations are acceptable, with the exception of the recommendations set out for protected bats. The Council have a statutory duty in relation to assessing the implications of development proposals on the conservation status of protected species under European legislation. The authority cannot determine an application without understanding the true impacts of the proposal on bats and whether mitigation is required.
- 7.29 The developer has undertaken a bat report which is not consistent with the recommendations set out in the Phase 1 ecology statement. The trees identified in the phase 1 report as having low potential have been reassessed by a professional ecologist and licenced bat consultant. Their surveys concluded trees on site offer no significant opportunity for bats roosts and no evidence of any roosts were recorded. Subsequently, in accordance with the Bat Conservation Trust guidance (figure 4.1) no survey effort is required. However, there is no explanation why the recommended activity surveys have not been undertaken given the medium habitat quality of the site for foraging and community bats. Before reaching a decision the planning authority has to be satisfied that the full impacts of bats are known and that if necessary effective mitigation measures can be put in place before planning permission can be granted. This has been brought to the attention of the applicant. It is anticipated further information will be required before a decision can be made. A verbal update will be provided on this matter.
- 7.30 **Other issues – Drainage, Flood Risk and Contamination**
National and local planning policy advocates the SuDS hierarchy. The developer has submitted a flood risk assessment and drainage strategy to demonstrate the site can adequately drain and would not cause a flood risk on site or elsewhere. This strategy relies on the surface water draining to the public sewer at greenfield run-off rate. This is contrary to the SuDS hierarchy and conflicts with the consultation response received from United Utilities which states that the surface water should not drain to the public sewer. United Utilities have raised no objection but requested a condition to this effect. It is inappropriate to condition the details of surface water drainage unless there is a feasible strategy in place. The Council's Drainage Engineer has objected and requested further information to justify their position that the surface water cannot be accommodated on site or drain to the nearby watercourse. That information is now forthcoming, and has satisfied our engineer that despite a low discharge rate the watercourse is not in a condition that would ideally accommodate the surface water and as such draining to the public sewer may be the only solution. United Utilities have been re-consulted to establish whether this is possible or not. A verbal update will be provided.
- 7.31 With regards to contamination, a Phase 2 report has been submitted and considered by the Council's Contaminated Land Officer. There remain matters outstanding which the developer has responded to. Officers are waiting on a response from the contaminated land officer to establish whether the details submitted are satisfactory or whether further conditions would be required. Again a verbal update will be provided.

8.0 Planning Obligations

- 8.1 As this is a 100% affordable housing scheme, Officers are satisfied that the occupancy of the properties for affordable housing in perpetuity can be controlled by condition rather than legal agreement. In terms of other requests, County Education have assessed the scheme based on their adopted methodology and concluded that there would be a shortfall of primary school places and that a contribution of £108,267 is required. Officers have advised the developer of this and asked them to confirm whether they can pay this contribution and if not provide sufficient viability evidence to demonstrate why not, particularly given the concerns raised by the local MP and residents about the lack of school places. That said, Officers at this stage are mindful that this is an affordable housing scheme funded by central government and as such do not anticipate a positive response. In terms of paragraph 14 of the NPPF, the lack of an education contribution would not in this case

significantly and demonstrably outweigh the benefits of delivery much needed affordable housing in the district.

9.0 Conclusions

9.1 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development encompasses an economic, social and environmental role and that these roles are mutually dependant. This proposal presents an opportunity to redevelop a vacant and untidy site in a highly sustainable location which is currently allocated as a housing opportunity site.

The proposal will contribute to the District's undersupply of housing and will provide much needed affordable housing in the city. In accordance with paragraph 49 and 14 of the NPPF, the delivery of housing in a sustainable location carries significant weight and for decision making this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrable outweigh the benefits of the proposal. As the application stands, the main outstanding issues relate to protected species, drainage, noise impacts from Westgate and the adjacent public house, landscaping and whether the developer can support the request for the education contribution and if not sufficiently evidence why not. If such matters can be adequately resolved, Members are recommended to support the proposal.

Recommendation

Subject to the outstanding matters being satisfactorily resolved, Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Amended plans list
3. Details of internal carriageway and connection to existing highway - roads to be built to adoptable standards
4. Details of any requirements to re-profile or cut then existing embankment
5. Off-site highway works - Improvement/relocation of existing bus stop facility at Regent Caravan Park/ Inclusion of ghost island vehicular right turn and pedestrian refuge
6. Protection of visibility splays
7. Parking provision to be provided before occupation
8. Scheme for parking management (investigation of TROs or alternative management)
9. Construction Management Plan
10. Materials and samples to be agreed
11. Precise details of windows/doors and their frames, dormer detail and porch canopies
12. Boundary details to be implemented but acoustic barrier details provided and agreed beforehand
13. Development to be carried out in accordance with the FRA
14. Finished floor levels to be provided
15. Surface and foul water drainage details (TBC)
16. Noise mitigation measures to be agreed (TBC)
17. Tree Protection
18. In accordance with AIA/AMS (TBC)
19. Landscaping scheme to be implemented (TBC)
20. Landscape maintenance (TBC)
21. Contaminated Land conditions (TBC)
22. Ecological mitigation and enhancement (TBC)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has and continues to proactively work with the applicant/agent in negotiating amendments which should positively influence the proposal and secure a development that accords with the Development Plan and the National Planning Policy Framework.

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 2 nd March 2015	Application Number 14/01105/REM
Application Site Launds Fields Stoney Lane Galgate Lancaster	Proposal Reserved Matters application for 50 dwellings and associated roads and landscaping	
Name of Applicant Mr Chris Gowlett Persimmon Homes	Name of Agent None	
Decision Target Date 12 February 2015 An extension of time for determination has been agreed to the 9 th March 2015	Reason For Delay Outstanding matters to address and committee cycle	
Case Officer	Mrs Jennifer Rehman	
Departure	N/A	
Summary of Recommendation	Approve subject to receipt of satisfactory amended plans and further information and comments from County Highways	

1.0 The Site and its Surroundings

- 1.1 The site relates to a 1.75ha parcel of land located in Galgate but within the designated Countryside Area. The land sits tightly behind existing buildings fronting Main Street and Stoney Lane but extends beyond the existing urban fabric of the village towards Skew Bridge, and eastward covering the land currently used as a touring caravan site. Agricultural land adjoins the site to the east with the West Coast Mainline embankment forming the south western boundary.
- 1.2 The built form along Main Road immediately adjacent to the application site consists mainly of two-storey stone under slate terraced properties with significant back gardens. Closer to the crossroad junction there are a number of commercial uses (e.g. convenience shop, hairdressers, salon and public house) which essentially form the local centre. The built form on the south side of Stoney Lane consists of slightly larger two-storey stone under slate buildings including the former Ellet Institute, a pair of stone built semi-detached cottages and a detached stone built property. These properties are level with the carriageway and occupy a slightly lower ground level than the application site. There is also a large garage and MOT Centre on this side of Stoney Lane.
- 1.3 The application site is a mix of greenfield and previously developed land consisting of agricultural land and associated buildings, a former motor repair garage, and a licensed caravan site with amenity block in connection with residential property at Laund Field. The land levels rise quite steeply in the south eastern part of the site.
- 1.4 The site is currently served by two vehicular access points to the local highway network. One access point is via the driveway onto Stoney Lane which serves the existing dwellinghouse and caravan site. The second access point is a hard surfaced single track field access off the A6 approximately 50m north of Skew Bridge, adjacent to the existing row of terraced cottages on Main

Road. This was the formal access to the former motor repair garage. The closest bus stops are located on the A6, with northbound stops at The Plough and north of the cross-road junction and southbound stops at the crossroads (outside Spar) and at The Plough. The strategic cycle network (National Cycle Route 6) passes through the village on Stoney Lane and provides good cycle links to the University and Lancaster City beyond.

- 1.5 Other than the Countryside designation, the site is not subject to any other allocation/designation in the saved Local Plan. Notwithstanding this, it should be noted that the site lies close to the Galgate Air Quality Management Area (AQMA) and sits adjacent to Flood Zones 2 and 3 (Ou Beck).

2.0 The Proposal

- 2.1 A reserved matters application has been submitted for the layout, appearance and landscaping for the residential development of the site. The application proposes 50 two-storey dwellinghouses made up of a mix of 2, 3 and 4 bedroom units. 15 units are identified as affordable units in accordance with the requirements of the legal agreement for the outline permission. The breakdown of house types is as follows:

- 22 x 2-bed units (of which 13 are affordable)
- 14 x 3-bed units (of which 2 are affordable)
- 14 x 4-bed units

- 2.2 The application shows a community car park within the layout as required by the outline permission (the management details of this covered by condition under the outline permission) and a small area of amenity/public open space within the core of the site. The vehicular access to the site remains as per the outline permission and a cycle link is still proposed from the site to Stoney Lane.

3.0 Site History

- 3.1 Members will recollect the outline application for upto 50 dwellings being approved (Issued 19 December 2013). Access and scale was applied for at the outline stage. This permission was subject to conditions and a legal agreement requiring 30% on-site affordable housing, an open space contribution and the setting up of a management company/maintenance plan for the community car park and an associated contribution.

The relevant planning history is noted in the table below:

Application Number	Proposal	Decision
12/00834/OUT	Outline application for residential development of up to 50 Dwellings	Permitted
02/00777/FUL	Erection of an agricultural building to be used for the storage of agricultural machinery only in connection with the adjoining land and caravan site	Permitted
97/01279/CU	Continuation of use of former agricultural contractors premises to motor repair garage	Permitted
94/00552/ELDC	Lawful development certificate for use of site for 20 non-residential touring caravans	Permitted
93/00932/CU	Change of use from siting of 10 caravans to siting of 20 caravans.	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • Inadequate parking provision for the proposed development • Cycle link to be improved to remove the 90 degree bend

	Concerns were aired in relation to road adoptions and surfacing treatments and the location of the field access. The Highway Authority have also highlighted the requirements of the outline planning permission in relation to off-site highway works.
Highways Agency	No objection.
Network Rail	No objection subject to an advice note relating to their asset protection.
Parish Council	Objection on the following grounds: <ul style="list-style-type: none"> • The proposal will exacerbate existing traffic problems in Galgate • There are insufficient school places and doctor surgery provision • The development has not been designed to “Secure by Design” standards.
Contaminated Land Officer (Env Health)	Further information has been submitted to address earlier concerns. At the time of compiling this report the Contaminated Land Officer had not provided any additional comments. A verbal update will be provided.
United Utilities	No objection subject to foul and surface water drainage scheme condition.
Tree Protection Officer	Objection subject to amendments to the layout to improve the relationship of the development to trees/hedgerows identified as G1, H1 and H2. Subject to resolving this, conditions are recommended in relation to the implementation of the tree assessment/protection, submission of tree schedule and method statement and landscaping. A revised tree assessment and landscaping proposal has now been submitted. The Tree Protection Officer no longer objects subject to the imposition of conditions relating to the implementation of the submitted AIA, Tree Protection Plan, AMS and landscaping.
Environment Agency	No comments – previous comments on the outline application remain applicable.
Lancashire Constabulary	No objections but recommendations to secure some of the secure by design principles.

5.0 Neighbour Representations

5.1 At the time of compiling this report, 9 letters of objection have been received raising in the following concerns:

- Traffic and highway safety concerns, especially regarding peak times, access arrangements; insufficient spaces in the community car park (and management and allocation of spaces of the car park);
- Lack of village infrastructure (school places/doctor surgery);
- Overlooking (privacy) and overbearing (scale) concerns;
- Garden access lane should be extended to all residents on main road bordering the development site;
- Concerns over the buffer strip to rear of Stoney Lane. This will lead to security problems, loss of light and on-going maintenance issues. The applicant has not made any contact with the owners of 2, 4 and 6 Stoney Lane. The proposal fails to reduce the fear of crime which is integral to good design. The proposal does not meet Secure by Design principles.
- Cycle/pedestrian improvements on existing roads should be explored;
- More appropriate uses for this site – such as a ‘park and ride’ car park;
- Lack of publicity/consultation;
- Loss of property values;
- The above concerns exacerbated by other proposals discussed/proposed in the village

A further letter from the local school head teacher has been received offering general support for development provided the impact of the scheme and its possible expansion are considered when the local planning authority considers new proposals for housing in the village.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
Paragraph 32 and 34 – Transport Considerations
Paragraphs 47-55 - Housing

Paragraphs 56, 57, 58, 60, 61 and 64 – Design

Paragraph 69 – Promoting Healthy Communities (place making)

Paragraphs 109, 117 – 119 – Conserving the Natural Environment

- 6.2 Lancaster District Development Management DPD (DM DPD)
Policy DM20 – Enhancing Accessibility and Transport Linkages
Policy DM21 – Walking and Cycling
Policy DM22 - Vehicle Parking Provision
Policy DM28 – Development and Landscape Impact
Policy DM29 – Protection of Trees, hedgerows and Woodland
Policy DM35 – Key Design Principles

- 6.3 Lancaster District Local Plan (saved)
Policy E4 – Countryside Area

Lancaster District Core Strategy
SC1 – Sustainable Development

- 6.4 Supplementary Planning Guidance (SPG)
SPG 12 – Residential Design Code
SPG – Meeting Housing Needs

- 6.5 Other Material Considerations
National Planning Practice Guidance

7.0 Comment and Analysis

- 7.1 The main issues to consider in respect of this application for reserved matters are as follows:
- Principle of Development
 - Design, Layout and Amenity
 - Parking
 - Landscaping

7.2 Principle of development

The previous outline application has already established the broad principles of residential development on the site (for upto 50 dwellings), with matters such as layout, appearance and landscaping being matters reserved for later determination. Access and scale of development have already been accepted and the reserved matters application is not an opportunity to re-examine the principle of development or the details concerning the proposed access points.

- 7.3 The outline permission was granted subject to a number of planning conditions, particularly in relation to the main vehicular access and off-site highway works, and a s106 legal agreement covering affordable housing, a public open space contribution, a contribution towards the community car park and the establishment of a management company and management/maintenance strategy for the operation of the on-site community car park. The main considerations in relation to this reserved matters application relates to securing high quality design to ensure the proposal integrates with the existing built-up area of the village.

7.4 Design, Layout and Amenity

The layout of the scheme is not dissimilar to the indicative plans provided at the outline stage. The layout still provides the community car parking to the south side of the main vehicular access point and an area of public open space in the centre of the site. The main vehicular access point and cycle link to Stoney Lane are predominantly consistent with the terms of the outline. The development is focussed around a circular internal road layout with development positioned to the south of the main access road adjacent to the railway embankment. The layout also works around the existing house on site which is intended to be retained by the existing landowner.

- 7.5 In terms of overall layout, the scheme adequately demonstrates that the dwellinghouses are appropriately sited to secure an acceptable level of amenity for existing and future residents. Separation distances between the existing and proposed dwellinghouses adequately meet the recommended interface distances set out in policy DM25, with gardens generally compliant with the requirements set out in the DM DPD. Those gardens that are slightly below the recommended

standards are not such that would result in substandard development. Sectional drawings have been provided to evidence that suitable and practical gardens can be achieved to the properties running along the eastern boundary. The retaining wall varies from 1.2m to 1.8m in height beyond which the land would be planted with additional trees and wildflowers to support and enhance biodiversity.

- 7.6 The layout and design of the scheme has many good attributes, yet the streetscenes will be dominated by parked cars in front each of the units. Very few units provide discreet parking solutions (e.g. behind the building line). This is a weakness of the scheme. However, it is not such that a refusal of planning permission could be substantiated in design terms. The proposed landscaping scheme attempts to break up the appearance of parked cars and on a positive note, because of the nature of the proposed parking arrangements, there will be limited ability to park within the highway as parking spaces would then be obstructed. This perhaps raises questions over the overall parking provision and this is discussed later.
- 7.7 The proposed dwellings shall be built in reconstituted stone under tiled roofs. The dwellings are standard house types used by the applicant but are considered acceptable in this location subject to the detailing and samples of materials being conditioned. Conditions can ensure that windows have sufficient recess and that details such as stone, tiles, heads, cills, rainwater goods, fascias and soffits are reflective of surrounding built development. A materials schedule has been provided, though officers have confirmed that some of the proposed materials are not acceptable (including the stone). The applicant has acknowledged this and recognises that the details will need improvement if any planning condition is to be satisfactorily discharged.
- 7.8 There are 10 different house types proposed within the site, comprising a mix of terraces, semi-detached and detached units. This mix will positively contribute to place making and good design. The site levels of the site vary with the lowest areas located up against the rear of properties on the A6, gently rising to the highest point in the south eastern corner of the site. This also helps create visual interest to the scheme with terraces stepped in height and breaking the mass of the overall development. Properties which face the internal spines roads on principal corners have been appropriately designed with dual aspects and soft landscaping interspersed within the development.
- 7.9 With regards to boundary treatments, amendments have been received to improve the appearance of certain boundaries where they are visually dominant within the streetscene. Further revisions are required to this effect or alternatively the detail can be conditioned. Plot boundaries will also need to be high timber fences contrary to what is currently shown on the submitted plan. This is secure future occupants have private amenity space upon occupation of the dwellings.
- 7.10 The scheme layout proposes a strip of land to the rear of plots 32–38 which is intended to be retained by the developer (or management company) to maintain. This area of land has caused considerable concern to the residents of Stoney Lane. Due to the land level difference between the site and these existing properties it is acknowledged that extending the proposed garden curtilages up to their existing boundary would be inappropriate and would lead to a loss of residential amenity. It is also acknowledged that tree planting in this location (subject to species and maintenance) would equally lead to long term amenity issues for these existing residents. One option is that the land be transferred to the existing residents of Stoney Lane and for them to increase their gardens and to remove a long term maintenance issue for the developer. It is also acknowledged that residents have aired concerns over this land being inappropriately used and posing a security risk. Officers have recommended the developer to engage with the existing residents to see if this option could be feasible. However the local planning authority cannot force the developer to transfer land to a third party if the layout of the development is acceptable or can be made acceptable. The current solution is an approximately 4.7m wide strip of land separating the rear garden boundaries of the proposed properties with the existing boundaries of properties on Stoney Lane. This proposal would prevent there being any loss of amenity or overbearing impact from the proposed dwellings and therefore presents a reasonable solution. The proposed landscaping scheme indicates minimal tree planting but low native shrub and wild meadow planting. This form of landscaping is unlikely to cause any overbearing impact and is considered acceptable.
- 7.11 With regards to security, the space should form part of the site wider landscaping proposals. A

condition will be required to ensure this land and other landscaped areas are appropriately maintained. Such maintenance should minimise the risk of crime or a fear of crime. In terms of Secure by Design, Lancashire Constabulary have raised no objection to this element of the scheme. Whilst Officers understand the existing residents' concerns, the scheme as presented is acceptable.

7.12 **Parking**

Policy DM22 requires car and cycle parking provision that accords with the levels set out in Appendix B of the DM DPD. The car parking standards are set as maximum standards rather than minimum with 2/3 bedroom units having 2 spaces in local centres and 3 spaces for 4 bedroom units. The proposed site is located a rural village where access to public transport is readily available.

7.13 The proposed development offers 114 car parking spaces (excluding the community car park) which equates to just over 200%. Amendments have been received to demonstrate that adequate parking is provided for each unit relative to the unit size. House types have been revised so integral garages are of sufficient length to encourage future occupants to utilise them. The revised layout demonstrates that the 4-bedroom units have the ability to park 3 vehicles. This level of provision is compliant with local policy. All of the 3-bedroom units have 2 parking spaces provided off-street – this too is compliant with policy. The level of provision is reduced for the 2 bedroom units to approximately 150%. Whilst this level of provision is below the standards set out in the DM DPD, this level of provision in a village identified as a sustainable rural settlement where bus services are available is reasonable. Notwithstanding this, the Highway Authority are yet to comment on the revised plan and parking provision proposed. It is highly likely given the nature of the layout of the estate that future occupants who own more than one car are going to be discouraged to purchase a property that only has one space, particularly given that the layout discourages on street parking. The proposal indicates visitor parking will be available for the smaller units (2-bed units). Due to the nature of the layout there is limited scope for visitors to park on-street within the development and limited on-street parking available in the village. That said, there is no policy requirement to specifically provide visitor parking space within new residential development. The Highway Authority are yet to provide comments on the amended plans. A verbal update will be provided.

7.14 The level of parking provision within the community car park (19 spaces) is consistent with the outline approval. The Highway Authority have not raised any objection to the level of provision provided for the car park specifically. Despite concerns raised by residents, the management and allocation of parking spaces are controlled by condition and the legal agreement. The provision of 19 spaces is reasonable, bearing in mind the proposed layout also provides a garden access route which would serve approximately 8 dwellings on Main Road that would be affected by off-site highway works required to redevelop this site (to prohibit on-street parking that currently exists). As noted at the outline stage, the properties on Main Road, with the exception of a few dwellings, have no allocated parking spaces at present. Occupants simply benefit from parking on Main Road.

7.15 **Landscaping**

The landscaping proposals have been revised to resolve the Tree Protection Officer's concerns. The layout proposes the retention of the 2 significant trees along the eastern boundary (outside the site) which are visually prominent. They propose to partly-retain important hedgerows within the site (around the open space) and where existing hedgerows are to be removed (due to the land level changes) extensive new planting has been proposed to include, new beech hedging, and a range of new shrubs and tree planting across the site, in both private amenity space and open public areas. Generally, the proposals are all satisfactory and the Tree Protection Officer's objection has been removed and replaced by appropriate conditions. With regards to the maintenance of open space within the site, this shall be secured by condition 21 of the outline permission.

7.16 **Other considerations**

Officers have sought clarification that the proposed layout would adequately accommodate an appropriate drainage scheme which is compliant with condition 20 of the outline permission. The applicant has indicated such reassurances would be provided though no such detail has yet been submitted. What the authority should not do is grant permission for a layout which prohibits appropriate surface water drainage proposals. A verbal update shall be provided to this effect.

- 7.17 The applicant has attempted to discharge conditions imposed on the outline via this reserved matters application. This is not the appropriate procedure. The applicant has sought to discharge part of the contaminated land condition and the ecological condition. Our Contaminated Land Officer has reviewed the information provided and sought further information from the developer. With regards to the ecological condition, it is understood this is interconnected with the proposed landscaping which appears acceptable. Given that the applicant will need to submit a discharge of condition application for other pre-commencement conditions, the applicant should therefore provide the necessary details at this stage. The benefit being that there has been early consideration of some of the detail submitted.

8.0 Planning Obligations

- 8.1 The applicant has not sought to renegotiate the terms of the legal agreement, in respect of affordable housing (with viability evidence), and therefore the original terms of the agreement stand.

9.0 Conclusions

- 9.1 Subject to resolving the matter over the cycle connection, confirmation that surface water drainage proposals can be accommodated in the proposed layout and the Highway Authority confirming their position in respect of the level of parking provision, the applicant has adequately addressed all other matters and has provided a scheme which represents an acceptable layout, design and landscaping. If the outstanding matters are adequately addressed, the development would be considered compliant with national and local planning policy and consistent with the terms of the outline consent. In which case, Members would be advised to support the proposal.

Recommendation

That Reserved Matters **BE GRANTED** subject to the following conditions:

1. Time limit
2. Approved plans list (TBC – awaiting amendments in connection with cycle connection)
3. Notwithstanding details provided, materials and samples of all external materials to be provided
4. Full window/door details to be provided (sectional detail showing minimum 70mm recess), heads and cills
5. Full roof detailing (fascia's, soffits, verge, ridge tiles and rainwater goods)
6. Tree protection and AMS condition
7. AIA to be implemented
8. Landscaping scheme to be implemented and maintained
Maintenance plan for open space to be provided
9. Notwithstanding the details submitted boundaries between plots 42 and 42; 46 and 47 and along cycle connection (TBC) to consist of stone wall and timber fence detail and divisional plot boundaries to be 1800mm timber fencing. All other boundaries to accord with revised site plan and boundary detail. Boundary details to be provided before occupation and retained at all times thereafter.
10. Details of external lighting and surfacing to cycle link and site wide
11. Car parking to be provided in full before occupation and retained at all times thereafter
12. Garage use condition
13. Removal of PD rights (extensions, alterations to roof, outbuilding, hard standing to front, erection of gate, fence, enclosures)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

Subject to resolving the outstanding matters, the proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings. The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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 A8	Committee Date 2 March 2015	Application Number 14/01168/FUL
Application Site Queens Hotel 34 - 36 Market Street Carnforth Lancashire	Proposal Erection of 8 one bed apartments and 12 two bed apartments to rear of existing Hotel	
Name of Applicant Dewcraft Ltd	Name of Agent Mr Manning Elliott	
Decision Target Date 11 March 2015	Reason For Delay None	
Case Officer	Ms Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This application relates to land to the rear of the Queen's Hotel which fronts onto Market Street in the centre of Carnforth. The site comprises a large area of hardstanding, used for parking in association with the Queen's Hotel which is currently closed, and a large detached stone building. The land extends behind several other properties fronting onto Market Street, in addition to the Queens Hotel. Access is from Market Street, through an undercroft between numbers 36 and 38. Along the rear and eastern boundary of the site is a brick wall and along the western boundary are a metal railings.
- 1.2 Adjacent to the site, to the north and east, is a large car park associated with Booths. The supermarket is set further away from the site boundary to the north east. This adjacent land is at a significantly lower level that the application site. The site is supported by a large stone retaining wall on three sides. To the west of the site are the rear yards associated with some of the adjacent properties in addition to a surgery and health centre which are both at lower levels than the site. There is also a pedestrian route linking Market Street to the public car park. To the north west is the end of a row of terraced properties fronting onto Ramsden Street which are at the similar lower level.
- 1.3 The site is located within the Carnforth Conservation Area, the boundary of which follows the rear boundary of the site. There is a United Utilities sewer crossing part of the site close to the buildings on Market Street. The site is also adjacent to the Carnforth Air Quality Management Area (AQMA). The site is within the area identified as the town centre and the adjacent properties fronting on to Market Street are designated as primary retail frontage.

2.0 The Proposal

- 2.1 The application seeks consent for the erection of a two and three storey building which will contain a total of 20 apartments, 8 of which will have one bedroom and 12 of which will have two bedrooms. The building would be arranged in roughly a U-shape with a central courtyard providing parking and turning facilities. Some car parking is also proposed in an open garage at ground floor. Bike and bin stores are also provided on the ground floor with an external shared terrace on the second floor. The walls are proposed to be finished in coloured render with some cladding, and the roof would be slate in addition to some flat roofed areas.

3.0 Site History

3.1 There is an extensive history on the site, the most recent is set out below:

Application Number	Proposal	Decision
99/00767/CU	Renewal of temporary permission for change of use of car park to hold car boot sales on Saturdays only	Approved
97/00515/CU	Renewal of temporary permission for Change of Use of car park to hold car boot sales on Saturdays only	Approved
96/00772/CU	Change of use of land for use as an outdoor market to the rear of Queens Hotel (one day a week only).	Approved
96/00324/CU	Change of use of car park to hold car boot sales on Saturdays only.	Approved

4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council	Raise concerns in particular it was noted that the proposal is for only 10 car parking spaces to be provided for a development of 20 flats which could cause difficulties in the town centre.
Environmental Health	The site borders the Carnforth Air Quality Management Area, however, given the location away from Market Street, they do not anticipate that exposure in this location would prohibit the proposed development or require a ventilation based solution. Traffic will, to some extent, impact on the AQMA and recommend that emphasis is placed on obtaining measures to minimise the transport/emissions impact. The site is in close proximity to an extract system at the Chinese Takeaway and there may also be a source associated with the hotel. As such, recommend an assessment of potential odour issues is undertaken.
County Highways	Object for the following reasons: <ul style="list-style-type: none"> • Fails to provide a safe and appropriate means of access to the development. The generation of additional traffic movements to/from the site as a result of the development would be detrimental to highway safety. • Sub-standard forward visibility at the sites point of access with Lancaster Road. • Little consideration given to the ability of vehicles to access/egress the site in a forward gear. • The access is of insufficient width such as to allow two vehicles to pass un-hindered. • Being of restricted height the "undercroft" does not allow for refuse and/or emergency vehicle access from Market Street. • Lack of detail regarding the provision of footway through the undercroft of sufficient width such as to allow a mother and child to walk side by side
United Utilities	The site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. A public sewer crosses this site and building over it would not be permitted.
Lancashire Fire and rescue	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.
Lancashire Constabulary	There is little mention of security in the submission. The car ports are a concern as they can become an area used by youths and other persons for anti-social behaviour also theft from vehicles and damage can become a problem.
Conservation Officer	No comments received.
Carnforth & District Chamber of Trade	Object. At least 20 dedicated off-street parking bays should be provided, the development should incorporate one or two street level retail outlets and the frontage should remain consistent with the architectural style of the buildings on Market Street.

5.0 Neighbour Representations

5.1 Two pieces of correspondence have been received which object to the scheme and raise the following concerns:

- Overdevelopment;
- Will result in limited or no access to rear of adjacent properties on Market Street;
- Disruptions to traffic due to width restrictions at entrance;
- No access for emergency vehicles due to height restriction;
- Insufficient parking;
- The lower frontage of the development should be retained for retail use;
- odours and noises from adjacent businesses may attract complaints;
- Privacy and light to adjacent property on Market Street compromised; and,
- Structural impacts from piling

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 124 – Air Quality Management Areas
Paragraphs 131 – 134 and 137 – Designated Heritage Assets
Paragraph 135 – Non-designated Heritage Assets
Paragraph 173 – Ensuring viability and deliverability

6.2 Lancaster District Core Strategy (adopted July 2008) (LDCS)

SC2 – Urban Concentration
SC4 – Meeting Housing Requirements
SC5 – Achieving Quality in Design
SC6 – Crime and Community Safety

6.3 Development Management Development Plan Document (DM DPD)

DM1 – Town Centre Development
DM2 – Retail Frontages
DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or their settings
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM41 – New Residential dwellings

6.4 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document
- Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development

- Scale, Design and Impact on Conservation Area
- Access and highway impacts
- Residential Amenity
- Air Quality
- Contaminated land
- Public Sewer

7.2 Principle of development

- 7.2.1 The site is located in a highly accessible location within the centre of Carnforth. It is therefore a sustainable location for new residential development given the proximity to a variety of services. The site is to the rear of buildings fronting onto Market Street identified as primary retail frontage. Policy DM1 of the DM DPD sets out that proposals for residential development within town centre locations will be considered favourably where they are above ground floor level and do not restrict the maintenance of an active street frontage, particularly within designated retail frontages. This proposal would have residential accommodation on all three floors but would be set back from the retail frontage, accessed via a narrow undercroft between the buildings. It would likely be impractical, given the nature of the access, or unviable, given its position, to require the ground floor to be used for commercial purposes.
- 7.2.2 The impact on the ability of the primary retail frontage to be maintained does need to be taken into consideration. The proposed building and courtyard area lies very close to the rear of the buildings fronting onto Market Street. It does not appear to allow for deliveries or other vehicle access to the public house. The agent has set out that the lorry that carries out deliveries is too large to access the rear of the building through the undercroft and therefore parks on the highway. Even if this is the case, if there is no space to the rear for any servicing or deliveries then this may significantly impact on the ability or viability of the business to operate and could therefore result in the loss of the commercial premises within the primary retail frontage. There is also potential for complaints from the future occupiers in terms of noise and smells from nearby commercial premises which need to be considered. These all have the potential to impact on the continued operation of businesses.
- 7.2.3 Although there may be potential to accommodate a residential scheme within the car park, which appears to be a significantly underused facility, the current scheme does not fully take into consideration the needs of the adjacent businesses to allow their continued operation and the potential impacts on residential amenity.

7.3 Design and Impact on Conservation Area

- 7.3.1 The site is located on the edge of, but within, the Carnforth Conservation Area. Some of the adjacent properties to the south (32-42 Market Street) have been locally listed and as such are considered to be non-designated heritage assets. The adjacent development fronting onto Market Street is a mix of two and three storeys and many have two storey outriggers. The proposal is predominantly three storey with a maximum height of 12m. The building would form roughly a u-shape, set away from the side and rear boundaries by approximately 1m, with a central courtyard area. The land levels change considerably to the north, east and north west of the site. Two sides of the site bound the car park at Booths but there is also a health centre and residential properties to the north west.
- 7.3.2 The height of the proposal poorly relates to the adjacent public car park, supermarket and terraced dwellings on Ramsden Street. It will be visually and overly dominant. Some of the building has high eaves levels and steep pitched roofs, which adds to the height, and the proximity to the site boundaries emphasises this. Little information has been provided to show the context of the development and how it relates to the existing development, particular that located at a lower level. In addition, it is not considered that the scale and form relates well to the development fronting onto Market Street. At its closest, the proposed building will be approximately 2.6m from the rear of the properties fronting Market Street. The closest elements of the proposal are two storey, with one flat roof forming a terrace, and the other with a pitched roof of a height of 9.1m, which limits the impact to a degree. However, it is still considered that the scale and form relates poorly to the adjacent buildings fronting onto Market Street, particularly given the scale and proximity. The design will be discussed in more detail, but for the reasons set out above it is not considered that the scale of the development is acceptable in this location and represents an overdevelopment of the site.

- 7.3.3 As already set out, the proposed building is predominantly three storey with the two two-storey elements located close to the rear of the properties fronting Market Street. There is a mix of gables, dormers and some flat roof elements. The longest visible elevation is that adjacent to the rear of the site, overlooking the supermarket car park. This has three gables which extend above the main roof slope, and three dormer windows. It is considered that this is over complicated and will appear too fussy, although it is acknowledged that this approach may have been taken to try and break up the large expanse of render given the massing of the building. From outside the site, the building will be mainly viewed as a large block, as the internal courtyard will not be visible. As already set out, the pitches are steep and some of the eaves levels appear high which does not relate well to the adjacent development. The walls are proposed to be coloured render with a small amount of cladding on some of the gables between the roof slope and the nearest window. The window frames and doors are proposed to be powder-coated aluminium and most will have heads and cills. There are also some flat roof elements proposed, some of which will be highly visible, and are also considered to be poor design elements.
- 7.3.4 Concerns have also been raised by Lancashire Constabulary with regards to security. Some of these could be addressed by way of condition, but they have raised concerns regarding the proposed carports on the ground floor level of the building as they could become an area used by youths and other persons for anti-social behaviour and also theft from vehicles and damage could become a problem. This would need to be addressed as part of the overall design of the scheme as advocated within policy DM35 of the DM DPD.
- 7.3.5 The site is within the Conservation Area and, although it will not be very visible from Market Street, it will be highly prominent from the public car park, the end of the terrace of dwellings to the north west and, to a lesser degree, from the A6 across the car parks. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. When considering any application that affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in policy DM31 of the DM DPD which goes on to set out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
 - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
 - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- 7.3.4 It is considered that the current scheme fails to respect the character of the built form and its wider setting as a result of the scale, massing, height and design of the proposed building. It is therefore not considered that the proposal represents high quality design or will preserve or enhance the character of the Conservation Area. As such, the development is contrary to policies within both the NPPF and the DM DPD.
- 7.4 Access and highway impacts
- 7.4.1 Although the site has been previously used as a car park, a new residential use is proposed and as such a safe and appropriate means of access must be provided to serve the properties. There are also likely to be more regular vehicle movements associated with the proposal. The response from County Highways sets out various concerns regarding the access (see Paragraph 4.1). Although vacant, the current use is a public house and hotel, and the loss of parking and access to the rear of this building needs to be fully addressed. Concerns have also been raised regarding the lack of information pertaining to the construction of a contiguous length of footway through the under-croft of sufficient width such as to allow a mother and child to walk side by side over it as well as consideration to the provision of a degree of protection to the gable end of adjacent properties.
- 7.4.2 Market Street is particularly busy in the vicinity of the site and there is quite often queuing traffic in front of the access given the proximity to the traffic lights. If there is not sufficient space for two vehicles to pass on the access then there is potential for vehicles to have to wait to enter the site within the highway, increasing the likelihood of queue generation on Market Street. This would be

likely to prejudice the free flow of traffic on the highway, increasing the likelihood of collisions and drivers undertaking inappropriate manoeuvres. The proposal can also not achieve highway visibility requirements, as set out in Manual for Streets, which is likely to be detrimental to both highway and pedestrian safety. The visibility could not be improved as it is restricted by the buildings adjacent to the access. For the reasons set out above, it is therefore considered that the proposal fails to provide a safe and appropriate means of access to the development and the generation of additional traffic movements to and from the site as a would be detrimental to highway safety.

7.5 Residential Amenity

7.5.1 The nearest residential properties are above some of the adjacent buildings fronting onto market street. The rear wall of the nearest property would be approximately 5.5m from the proposed building, with the nearest habitable room window approximately 8.5m. These are at an upper floor level and the height of the closest part of the building would be 6.9m high and contain a shared open terrace area at second floor level. The relationship is quite close, however as the habitable rooms are on the upper floors there is unlikely to be a significant loss of light given the height of the closest part of the proposed building and the orientation. However there is the potential for mutual overlooking between the adjacent residential properties and the open terrace area.

7.5.2 To the north west lies the end of a row of terraced dwellings fronting onto Ramsden Street. These are approximately 4.5m lower than the application site. The development would be approximately 14.7m from the boundary of the nearest dwelling and approximately 18.4m from the rear wall. There is a large window proposed in the north west corner of the development on all three floors which will look towards rear of the nearest dwellings on Ramsden Street. It is difficult to be sure whether the development would look directly into windows of these properties given the change in levels but it is likely to increase overlooking into the rear yard areas which are enclosed and given a feeling of being overlooked given the scale of the building. As the proposed building would be approximately 16m higher than the ground level of the properties on Ramsden Street it is likely that the development will overly dominate these properties and have an unacceptable overbearing impact.

7.5.3 The windows in the proposed building have been positioned so that there is no overlooking between the properties as a result of the courtyard arrangement. As already raised above, there is potential for conflict with the existing pub and hotel use. This not only relates to vehicle movements but potentially associated noise and odours. The site is also in close proximity to an extract system at the Chinese Takeaway. Environmental Health have recommended that an assessment of potential odour issues is undertaken. It is not considered that the amenities of the future occupiers have been fully assessed and there is potential for impacts, particularly by way of noise, disturbance and smells from the adjacent businesses.

7.5.4 Overall it is considered that the proposal does not provide an acceptable level of amenity for neighbouring future residents of the proposed development.

7.6 Affordable Housing

7.6.1 Policy DM41 of the DM DPD sets out that within urban areas, proposals for 15 residential units or more will be expected to provide 30% affordable housing on site. The submission sets out that 6 1-bed flats will be provided for either discounted rent or discounted sale. It goes on to say that due to the development being multiple occupancy and a relative low level of affordable units, it might be more appropriate for a commuted sum being paid by the developer in lieu of an on-site provision. The Housing Strategy Officer has confirmed that there is a chronic shortage of one bedroom apartments in the social rented sector in Carnforth, and any opportunities to meet the local need would normally be most welcome. However, based on past experience, the tenure would need to be rented accommodation, rather than a mix of social housing and intermediate housing, as shared ownership in apartments can be unattractive and unaffordable depending on any proposed service charge combined with mortgage and rent payments. Having regard to the proposed design of the scheme, there are reservations about whether any local Registered Providers would be prepared to acquire units unless there was some degree of separation between the affordable units and the market units, as they will not normally enter into a management agreement with a third party. The most appropriate solution would be for the design to be modified to take account of these issues, and the units offered to registered providers as rented units, in order to secure the on-site affordable housing.

7.7 Air Quality

7.7.1 The proposed development borders the Carnforth Air Quality Management Area (AQMA). Environmental Health have set out that given that the location is away from Market Street it is not anticipated that exposure in this location would prohibit the proposed development or require a ventilation based solution. Traffic will however to some extent impact on the AQMA and, although the development is not large, it has been recommended that emphasis is placed on obtaining measures to minimise the transport/emissions. This could be done through: provision of an electrical charging point to facilitate the use of electric vehicles; provision of measures/ facilities to promote cycling and walking; energy efficiency measures; use of Ultra low NOx boilers if gas boilers are to be installed and a low emission car share scheme. The proposal does already provide a shared cycle store. Other measures could be requested by way of condition.

7.8 Contaminated land

7.8.1 No response has been received from the Contaminated Land Officer. As the site has been used as a car park there is potential for contamination. However, there is no evidence to suggest that there have been any uses of the site that would result in significant levels with potential to cause harm to future occupiers. As such, it is considered that this could be adequately dealt with by condition requiring a preliminary risk assessment and further investigation and mitigation if necessary.

7.9 Public Sewer

7.9.1 United Utilities have advised that a public sewer crosses the site and they will not permit building over it. An access strip width of 6m is required, 3m either side of the centre line of the sewer, in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. The sewer crosses the site close to the rear of the buildings fronting onto Market Street and it appears that the proposed building would partly cross this. Therefore the current scheme fails to comply with United Utilities in relation to sewers. There would still be scope to develop within the site but the building would need to be reduced and/or re-sited to accommodate this.

8.0 Planning Obligations

8.1 The application would require a legal agreement for the provision of the affordable housing. It would seem reasonable in this instance to include a provision to accept an appropriate offsite contribution if a registered provider did not express an interest in taking the affordable properties.

9.0 Conclusions

9.1 The proposal in its current form is considered to represent an overdevelopment of the site with the siting, scale, massing and design relating poorly to the existing development in the area. It is also considered that the proposal does not represent development that would preserve or enhance the character and appearance of the Conservation Area. There are significant issues regarding the safety of the existing access and it is considered that the proposal fails to provide a safe and appropriate means of access to the development, and the generation of additional traffic movements to and from the site as a would be detrimental to highway safety. It is not considered that the proposal provides an acceptable level of amenity for both neighbouring and future residents of the proposed development and there are potential issues with conflicts with adjacent commercial properties which could be detrimental to their future operation and retention in an area identified as Primary retail Frontage. The current scheme is also not deliverable as it partly crosses a public sewer and it has not be demonstrated that the cost of moving this has been taken into consideration. On the basis of the above it is not considered that the proposal represents a sustainable form of development with significant issues which are unable to be easily overcome.

Recommendation

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

1. It is not considered that the current scheme respects that character of the built form and its wider setting as a result of the scale, massing, height and design of the proposed building, or fully

addresses safety and security. It is therefore considered that the proposal does not represent high quality design and will not preserve or enhance the character of the Conservation Area. As such, the development is contrary to the aims and objectives of the National Planning policy Framework, in particular the Core Planning Principles and Sections 7 and 12, Policy SC5 of the Lancaster District Core Strategy and policies DM31, DM32 and DM35 of the Development Management Development Plan Document.

2. The proposal fails to provide a safe and appropriate means of access to serve the development and the generation of additional traffic movements to and from the site as would be detrimental to highway safety. As such, the development is contrary to the aims and objectives of the National Planning Policy Framework, in particular Sections 4, and Policy DM20 Development Management Development Plan Document.
3. The proposal does not fully take into consideration the needs of the adjacent business, particularly in terms of access and servicing, or the potential impacts on the amenity of the proposed units from the nearby commercial properties. The proposal may therefore impact on the ability of the primary retail frontage to be maintained to the detriment of the vitality of the town centre. It therefore conflicts with the aims and objectives of the National Planning Policy Framework, in particular, the Core Planning Principles, and policies DM1 and DM2 of the Development Management Development Plan Document.
4. As a result of the siting, scale and design of the proposed building, and the proximity to nearby commercial properties, it is not considered that the development will provide an acceptable level of amenity for both neighbouring and future residents of the proposed building. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 7, and Policy DM35 Development Management Development Plan Document.
5. The proposed building would cross a public sewer and as such would not comply with current United Utilities guidance in relation to separation distances set out within 'Sewers for Adoption'. The proposal would therefore not be deliverable and as such does not comply with paragraph 173 of the National Planning Policy Framework.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

This proposal has been assessed on site by the local planning authority. Regrettably the proposals are unacceptable for the reasons prescribed in this report and the problems are so fundamental that they are incapable of being resolved as part of the current submission. The local planning authority has attempted to work proactively with the applicant/agent regarding this proposal by identifying that the proposal as submitted cannot be approved for the reasons prescribed.

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	Committee Date	Application Number
A9	2 March 2015	14/01295/FUL
Application Site Squires Snooker Club Penny Street Lancaster Lancashire	Proposal Demolition of existing building and erection of a 5 storey building comprising retail (use classes A1 and A2 – retail/financial & professional services) at ground floor and student accommodation to the upper floors including 6 cluster flats and 10 studio apartments with associated car parking and servicing/landscaping area	
Name of Applicant Mr Trevor Bargh	Name of Agent Mr Sean Smith	
Decision Target Date 12 March 2015	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 The application site is situated at the southern end of the city centre close to the southern vehicular gateway to Lancaster City Centre. The site is bordered by the A6 to the east, Henry Street to the north and west and the Listed Building of Penny Street Bridge Hotel to the south. It currently accommodates a 2-storey snooker hall constructed of a mix of brick, metal cladding and glazed masonry block walls under a pitched roof covered with profiled metal or a flat roof with an asphalt covering. The frontage with Penny Street is partially recessed to provide a drive in–drive out drop-off arrangement and many of the first floor windows have been boarded over.
- 1.2 The site is located in Lancaster Conservation Area, and is adjacent to Penny Street Bridge Hotel and opposite 103 and 105 Penny Street and Alexandra Hall, all of which are Listed. It also falls within Lancaster’s Air Quality Management Area.

2.0 The Proposal

- 2.1 The application seeks planning permission for 2 elements – demolition of the existing 2 storey building and erection of a new mixed-use scheme over 5 storeys. The replacement building would comprise retail or financial/professional services on the ground floor (A1 or A2 uses) with an entrance lobby for the upper floors fronting Penny Street and service doors off Henry Street to the rear with student accommodation above. The student accommodation would be arranged within 6 cluster flats (9 or 11 bedrooms per cluster) and 10 studios. In total it would provide 60 bedrooms and 10 studios. The building would be constructed of full height glazing to the retail frontage, ashlar or split faced stone panelling to the walls on the first, second and third floors and a grey rainscreen to the walls of the recessed fourth floor. The windows to the upper floors are constructed with a powder coated aluminium frames, some finished with an aluminium screen, others with a glazed balcony. The semi-circular area immediately to the north of the building would be developed to incorporate a series of raised, planted beds and a delivery bay.

3.0 Site History

3.1 There has only been one recent planning application submitted for this site:

Application Number	Proposal	Decision
10/01067/CU	Change of use of ground floor from retail (A1 use class) to games/pool hall (D2 use class)	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	Initially objected to the scheme based on the proposed parking / loading facilities on Henry Street obstructing the adopted footway (which would not be permitted) and significant concerns over highway efficiency along Penny Street during demolition and construction. Further to the submission of amended plans and a draft construction management scheme, the Highway Authority has removed its objection, subject to conditions being applied covering the construction management plan, parking, delivery bay and reinstatement of the public highway
County Archaeology	No objection subject to a pre-commencement programme of archaeological work
English Heritage	The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice
Victorian Society	No objection to the scheme, but wish to stress the importance of selecting the new cladding materials with particular care
Conservation	No objection subject to conditions relating to materials and detailing
Environmental Health	Concerns raised relating to the lack of an air quality assessment (now commissioned by the applicant). Conditions required relating to a scheme of detailed noise mitigation measures and contaminated land
Fire & Rescue	No comments received at the time of compiling this report
Police	No concerns in respect of design and they note that the development will be fitted with CCTV. The Police hope that the development can be constructed to Secured by Design principles, particularly in terms of reducing risks to students
Lancaster Civic Society	Supportive of the removal of the existing building but concerned over the proposed elevational treatment of the Penny Street façade and the relationship of the roof on the adjacent hotel with the south facing elevation of the proposed top floor
North Lancashire Bat Group	Comments that no bat survey submitted with the application.

5.0 Neighbour Representations

5.1 Only one piece of correspondence has been received from neighbouring residents at the time of compiling this report, which is supportive of the scheme though its author wishes to draw attention to the need for a proper pedestrian crossing over Aldcliffe Road.

This point has also been raised by Councillor Brookes, who has commented that the proposal would lead to an increase in pedestrian movements towards bus stops on South Road (White Cross and RLI), and asks whether a planning contribution might be sought (via County Highways) towards a pedestrian crossing over Aldcliffe Road, which would improve accessibility to the bus stops on South Road.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles

Paragraph **49** and **50** - housing

Paragraphs **56, 58 and 60** - good design

Paragraphs **129, 131, 132 and 135** - conservation

6.2 Core Strategy

SC1 – Sustainable development

E1 – Environmental capital

6.3 Development Management DPD (DM DPD)

DM32 and **33** – Development affecting heritage and non-designated heritage assets and their setting

DM35 – Key design principles

DM41 – New residential development

Appendices D and F

7.0 Comment and Analysis

7.1 The key material considerations in this case are:

- a) Principle of development;
- b) Design considerations and the impact on heritage assets (Conservation Area, Listed Buildings, archaeology);
- c) The impact on residential amenity of existing residents (dominance, overlooking, noise);
- d) The residential amenity of prospective residents (space standards);
- e) The impact on highway safety and efficiency (including during construction); and
- f) Other Matters (air quality, land contamination, sustainable construction)

7.2 Principle of Development

7.2.1 The site lies outside the area that is designated in the DM DPD as comprising the City Centre boundary. Notwithstanding this, the proposal seeks to introduce an A1/A2 use at the ground floor with student accommodation above. Retail/Financial & Professional uses are appropriate within this edge-of-centre location and will provide a suitably-active frontage at ground floor level. Student accommodation across the upper floors is an acceptable form of development within the city. Subject to the matters of detail, the principle of development is acceptable.

7.3 Design Considerations and the Impact on Heritage Assets

7.3.1 The position of the plot (within the Conservation Area and adjoining a Listed Building) requires an appropriate design solution. The applicant has been working proactively with the Local Planning Authority in this regard, and has also involved Lancaster Civic Society and the North West Design Review Panel known as 'Places Matter'.

7.3.2 As part of this process the developer explored a number of options, including a curved structure that abutted the junction with Henry Street; a more regular rectangular block with a blank northern elevation; and a structure benefiting from an offset glazed studio above the main parapet. All of these earlier options included a partially-cantilevered arrangement at the front of the building, allowing for vehicles to drive underneath the building and park. Aside from traffic concerns, this element of the design was considered to be rather weak architecturally and has been removed.

7.3.3 The design has instead evolved so that the ground floor is no longer recessed under the cantilever, and is instead built-out to Penny Street. This provides for a more harmonious form of development. The materials listed in paragraph 2.1 are used to good effect to provide three discernibly-different areas; a contemporary-looking ground floor with an aluminium window system befitting the demands of modern-day retailing; three floors of student accommodation that are faced with ashlar stone panelling and coloured rainscreen feature panels; and a "rainscreened" rooftop level which sits behind coping. The rear of the building has the same three elements, but the design approaches across the ground and 1st, 2nd and 3rd floors are different. Part of the car parking area is screened behind metal doors, which are to be finished in a colour (to be agreed) and surrounded by split-faced

stone pillars. The stone continues to the upper floors (1st, 2nd and 3rd) where 'saw tooth' windows are built-into the elevation.

7.3.4 The existing building has no merit in townscape terms and its demolition is to be welcomed. Care has been taken with the overall mass and scale of the proposed replacement building. The existing Snooker Centre measures approximately 12.2m to its highest point. The proposed building will be 14.93m in height, with the lift overrun measuring 15.45m. To put this into some context, the neighbouring Penny Street Bridge Hotel measures 15.86m to the top of the chimney along the gable/abutment wall of the building, and 15.05m to the Penny Street Bridge Hotel ridge level.

7.3.5 In this regard it has been important to ensure that the structure does not dominate the adjoining Grade II Listed building, yet conversely it is equally important that the new structure has a presence of its own. The connection with the Listed building will be key to the success of the development in townscape terms. With this in mind the final design has been amended during pre-application discussions to ensure:

- That the 3rd floor parapet lines-up with the eaves level of the Penny Street Bridge Hotel;
- That there is a shallow recess between the Listed building and the new structure;
- That the main roof level is set below the highest point of the Penny Street Bridge Hotel; and,
- That the upper floor is recessed further from the building line to expose more of the Listed building.

In relation to other Listed buildings within the locality (most notably the former Alexandra Hall, 103 and 105 Penny Street opposite) and the wider Lancaster Conservation Area, the setting of these heritage assets will benefit considerably from removal of the current building. Providing that the build quality matches that indicated in the supporting literature, the current proposal has the potential to enhance the Conservation Area.

7.3.6 The County's Archaeologist has reviewed the application and advised that it would appear that the Roman Road which is thought to cross the site has a 'cordon sanitaire' (a barrier implemented to stop the spread of disease) between it and the cemetery that lay on both sides of the road. This means that surviving cemetery remains are likely to be limited to two corners of the site, one of which is more likely to have suffered damage from later medieval and post-medieval development. Consequently well-preserved archaeological remains considered to be of potential national significance are likely to be found only in a small part of the site, offering the potential for such an area to be developed in a manner that preservation in situ might be feasible. Other remains of a lesser significance, such as the road and later phases of the site, could be satisfactorily preserved by means of preservation by record (open-area archaeological excavation). The County Archaeologist is therefore able to recommend that the investigation of the site (archaeological evaluation and/or open-area excavation) be undertaken as a condition of planning permission, though it must be noted that this leaves the applicant taking much of the risk, as the nature, full extent and possible cost of the necessary archaeological works required post-evaluation will only be known at a late stage in the development process. Should areas of significance not prove possible to be preserved in situ then County's Archaeological Service would expect them to be completely excavated.

7.4 Impact on residential amenity of existing residents

7.4.1 The former Streamline Garage on Henry Street/Penny Street was redeveloped over a decade ago to form a series of stone-faced apartments and townhouses. Some of these enjoy an outlook over Henry Street and the existing building.

7.4.2 The original development proposals included an option for a longer, curved building that would have had a greater impact upon the outlook of 1-9 Diana Court. The revised submission has been cut back to exclude the semi-circular area of land immediately to the north (where it is proposed to provide a new tree for some much-needed 'greening' of this part of the city).

7.4.3 The proposed building will be notably taller than the existing structure, but will be set back a little further away from the existing residential properties to provide a slightly greater separation distance. The distance would still be below that recommended by the Development Plan (8.2m at its nearest point to neighbouring Tudor Court, rising to 11.6m opposite to the set-back element of Tudor Court). However, the 'saw-tooth' design of the proposed windows on the rear elevation assists with

protecting amenity, and given the constraints of the site (and the current situation that already exists) the development is considered to be appropriate in terms of residential amenity.

7.5 Residential amenity of prospective residents

7.5.1 The now adopted DM DPD contains internal space standards that should be applied to new build and converted shared accommodation. Our standards indicate that bedrooms should provide a minimum of 11sq.m with an en-suite. In this case, each bedroom within the 6 cluster flats will measure at least 13 sq.m, and in some cases 15 sq.m, and so satisfy the criteria.

7.5.2 The standards advise that shared accommodation should “normally” comprise no more than 6 bedrooms. This is not the case here – where 9 and 11 bedrooms are being proposed in each unit of accommodation. However, the high standard of provision, reflected in the more generous-scale en-suite bedrooms and the significant size of each cluster flat’s communal living space (which ranges from 35.2sq.m to 41.2sq.m), means that the overall internal standards of accommodation are expected to be high. Further assurance is provided by a site visit conducted during the pre-application stage, where Officers visited CityBlock3, which is also run by the applicant. Officers were impressed at the internal space, layout and management regime in force.

7.5.3 The studio flats on the upper floor are measured against separate criteria. The Council’s standards advise that studio accommodation must be 19sq.m with an en-suite. The proposed layout provides for 10 studio rooms measuring a minimum of 21.3sq.m, rising to 23.3sq.m and so comfortably exceeds the standards. There is no requirement within our criteria for a separate communal lounge for studio accommodation. However, the applicant has provided one measuring over 20.sq.m and this is a further indicator of the acceptability of the internal layout.

7.5.4 Each unit of accommodation enjoys an outlook either over Penny Street, or Henry Street to the north or west, with the exception of one bedroom on each of the first, second and third floors that faces into the internal courtyard. Amended plans have been received that offset the windows on opposite sides of the courtyard to protect the privacy of these inward facing bedrooms. Separately a condition is required for a landscaping scheme to this courtyard area to protect the bedroom on the first floor that faces directly into this public space. The units along the western elevation will predominantly be served by south-west facing windows. For the reasons stated in paragraph 7.4 above, the distances involved are considered appropriate.

7.5.5 Finally, all floors are accessible via a lift adjacent to the ground floor student lobby, which will include vertical cycle storage and mail facilities. The ground floor also provides laundry and refuse facilities

7.6 Impact on highway safety and efficiency

7.6.1 The current highway and car parking position has persisted for some time. There is an existing drive-through arrangement under the existing building which is occasionally used for the parking of vehicles. Similar car parking exists within the semi-circular bollarded area to the north of the building. Not only does this invite awkward vehicle manoeuvres close to the A6, but the presence of parked vehicles on private land is an unattractive feature within the city centre.

7.6.2 The proposed plans have dispensed with retaining the drive-through arrangement. Instead, servicing will be undertaken via Henry Street, which is a one-way road. The proposed building will actually create some additional road-space on Henry Street as a consequence of being set further away from the carriageway edge than the existing structure. This will allow servicing to occur without impediment to Henry Street. In addition 8 car parking spaces are proposed to the rear to serve the development. Their provision and management will need to be secured by condition.

7.6.3 During the determination period the application has been amended to include the semi-circular area to the immediate north of the building where 3 new raised planting beds are proposed, one incorporating a tree. The space has been designed around a delivery bay following the Highway Authority’s objection to the delivery arrangements initially proposed on Henry Street. Whilst this resolves County Highway’s objection, it raises a heritage concern, insofar as it is contrary to the adopted Lancaster Conservation Area Appraisal, which makes it very clear that this part of the Conservation Area is too car dominant, stating that this area “forms a strong node and an opportunity to accentuate the townscape with built form and public space”. Officers have advised the applicant that wherever possible this space should not be parked up with vehicles with the

delivery bay only utilised by commercial deliveries associated with the retail unit. The imposition of a condition to that effect is proposed.

- 7.6.4 Cycle parking provision will be similar to that achieved at CityBlock3, where wall-mounted cycle stands are used effectively. 10 cycle stands are proposed within the student accommodation lobby (which reflects the percentage take-up of stands in the other CityBlock units in Lancaster) but this could be doubled if demand is greater.
- 7.6.5 Any grant of permission shall also require a Travel Plan to be submitted and approved by the Local Planning Authority. A similar condition is imposed as a requirement on the construction and occupation of CityBlock3.
- 7.6.6 The Highway Authority has been working with the applicant to address their initial objection, which related to highway efficiency during the demolition/construction phase and the subsequent ongoing service arrangements. Amended plans (moving the delivery bay) and information (a draft construction management plan) have been submitted to resolve these matters, and conditions are required to secure their delivery. County Highways have also addressed the matter of an improved pedestrian crossing over Aldcliffe Road. Information has been gained from County's traffic signal engineer that the Penny Street Bridge traffic controlled junction is already at capacity. The only way a pedestrian crossing could be delivered over Aldcliffe Road is by adding an additional sequence to the lights at Penny Street Bridge, which would not be feasible in light of the aforementioned capacity issues. Only a complete and radical re-design of the junction as a whole could potentially overcome this issue, but this would be very costly (and not proportionate to the proposed development) and may still be unacceptable from a highway safety perspective.

7.7 Other Matters

- 7.7.1 *Land Contamination:* The applicant has undertaken a Phase 1 Site Investigation. This was necessary due to the site's former use as a filling station. If redeveloped, the subterranean tanks will require removal and contaminated material will require remediation. The applicant finds that tank removal occurs before further intrusive site investigation occurs, and thus a Phase 2 Site Investigation will be necessary. The standard 4 contaminated land conditions are required by Environmental Health.
- 7.7.2 *Air Quality:* The site is located within an Air Quality Management Area and so the applicant has referred back to their previous Air Quality Assessment (for CityBlock 3) which found there to be potential for an impact upon air quality during construction and a 'slight adverse' impact at ground floor level (student units in this case will be located above ground floor). However, this assessment was undertaken in early 2010 and therefore changes to air quality may well have changed in the intervening c5 year period, so Environmental Health requested an updated assessment to be undertaken. This is underway and its findings will be reported verbally to Members.
- 7.7.3 *Noise:* Similar assumptions have been made by the applicant in respect of the potential impacts of noise, but on this matter the Environmental Health Officer has requested a condition to secure noise mitigation measures to protect the future occupiers of the student accommodation from external noises, especially on the Penny Street façade. As for existing neighbouring residents, Henry Street is relatively quiet despite its central location within the city and clearly there will be disturbance during construction work. Hours of construction would be specified on any grant of planning permission, as would the hours of any deliveries (during construction and post-construction). Whilst there are occasionally concerns regarding noise levels from student units (as opposed to family housing), the use is an acceptable one and any complaints regarding noise emanating from student units is a matter that can be controlled via the CityBlock Management Standards and endorsed via imposition of a Management Plan condition. Environmental Health legislation would also allow for investigation into any complaints of noise originating from anti-social behaviour.
- 7.7.4 *Bats:* The application site falls within 100m of the Lancaster Canal, a body of freshwater. Therefore a bat survey would usually be required. However, the form of construction of the existing building is such that the roof is sealed and the walls are solid (no cavity) thereby not providing roosting opportunities for bats. For this reason a bat survey was not required.
- 7.7.5 *Refuse Storage:* The ground floor includes a central, internal refuse storage area associated with the student use. A separate refuse area is provided for the retail use. There are also 3 separate

cleaning/storage cupboards provided throughout the upper floors of the building.

- 7.7.6 *Energy-efficiency:* The building aims to follow the example set by other buildings within the 'CityBlock' portfolio. These buildings are highly-insulated to reduce energy demand and to reduce noise transmission. Energy-efficient lighting will be provided throughout and the applicant has indicated that there is the potential for a Combined Heat and Power (CHP) system.

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 site in its current state does little to enhance the Conservation Area or the setting of nearby Listed Buildings. In fact, it provides a poor impression of Lancaster when approaching the city from the south. This proposal has been worked up in conjunction with the Places Matter NW Design Review Panel, Lancaster Civic Society and the Local Planning Authority. This pre-application work has greatly assisted the applicant insofar as the submitted scheme has satisfactorily addressed the concerns raised and is acceptable subject to conditions.

Recommendation

Subject to the Air Quality Assessment being completed and its conclusions deemed to be acceptable by Environmental Health, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list
3. Materials (including finishes and colours) –
 - stone (including mortar, pointing and coursing);
 - windows and doors (including parking bays screens);
 - cladding;
 - shopfront glazing;
 - roof (including trims and soffits);
 - balcony floor surfacing; and
 - surfacing treatments
4. Details –
 - window and door setbacks;
 - internal rainwater details;
 - stone panel joint finishes;
 - floor edge trims;
 - roofing detail;
 - parapet detail; and
 - balustrade and balcony detail floor surfacing
5. Programme of archaeological work
6. Construction management plan
7. Reinstatement of public highway to County Council's standards
8. Hours of demolition, construction and fit-out, including associated deliveries (Mon to Fri 0800-1800 and Sat 0800-1400 only)
9. Contaminated land conditions
10. Hours of deliveries (0800 to 2000)
11. Travel Plan
12. Car parking spaces – spaces 1 to 3 to be implemented prior to student accommodation being first occupied and management scheme required restricting their use for drop-off/pick-up facilities and maintenance vehicles associated with the student accommodation (including maximum stay periods and enforcement penalties); and spaces 4 to 8 to be implemented prior to retail unit being first occupied/open for trading and management scheme required restricting their use for the retail unit's customers only (including maximum stay periods and enforcement penalties)
13. Delivery bay – implementation prior to retail unit being first occupied/open for trading and management scheme required restricting its use for commercial deliveries in association with the retail unit only and ensuring access/egress of vehicles occurs in forward gear
14. Landscaping scheme and maintenance

15. Cycle and refuse storage
16. Student accommodation only
17. Submission and implementation of a Management Regime/Plan for student units
18. Details of energy-efficiency measures to be agreed and implemented
19. Scheme of noise mitigation measures
20. Scheme of air quality mitigation measures
21. CCTV
22. Landscaping scheme for the internal courtyard
23. External lighting

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings. The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. As a result the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

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	Committee Date	Application Number
A10	2 March 2015	14/01376/LB
Application Site Squires Snooker Club Penny Street Lancaster Lancashire	Proposal Listed Building Application for demolition of existing building and erection of a 5 storey building comprising retail (use classes A1 and A2) at ground floor and student accommodation to the upper floors including 6 cluster flats and 10 studio apartments	
Name of Applicant Mr Trevor Bargh	Name of Agent Sean Smith	
Decision Target Date 23 February 2015	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 The application site is situated at the southern end of the city centre close to the southern vehicular gateway to Lancaster City Centre. The site is bordered by the A6 to the east, Henry Street to the north and west and the Listed building of Penny Street Bridge Hotel to the south. It currently accommodates a 2 storey snooker hall constructed of a mix of brick, metal cladding and glazed masonry block walls under a pitched roof covered with profiled metal or a flat roof with an asphalt covering. The frontage with Penny Street is partially recessed to provide a drive in – drive out drop-off arrangement and many of the first floor windows have been boarded over.
- 1.2 The site is located in Lancaster Conservation Area, and is adjacent to Penny Street Bridge Hotel and opposite 103 and 105 Penny Street and Alexandra Hall, all of which are Listed. It also falls within Lancaster's Air Quality Management Area.

2.0 The Proposal

- 2.1 The application seeks Listed Building Consent for 2 elements – demolition of the existing 2 storey building and erection of a new mixed use scheme over 5 storeys as both the existing and proposed buildings are physically attached to the adjacent Listed building known as Penny Street Bridge Hotel. The replacement building would comprise retail on the ground floor (A1 or A2 uses) with an entrance lobby for the upper floors fronting Penny Street and servicing via Henry Street to the rear with student accommodation above. The student accommodation would provide 60 bedrooms and 10 studios. The building would be constructed of full height glazing to the retail frontage, ashlar or split faced stone panelling to the walls on the first, second and third floors and a grey rainscreen to the walls of the recessed fourth floor. The windows to the upper floors are constructed with a powder coated aluminium frames, some finished with an aluminium screen, others with a glazed balcony.

3.0 Site History

- 3.1 The planning history is as reported on the accompanying full application and there are not heritage-related applications that are of relevance.

4.0 Consultation Responses

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

Consultee	Response
English Heritage	The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
Conservation	No objection subject to conditions relating to materials and detailing.
County Archaeology	No objection subject to a pre-commencement programme of archaeological work
Civic Society	Supportive of the removal of the existing building but concerned over the proposed elevational treatment of the Penny Street façade and the relationship of the roof on the adjacent hotel with the south facing elevation of the proposed top floor.

5.0 Neighbour Representations

5.1 One letter of objection has been received raising the following concerns:

- Design is out of character with the area
- Height of the building is overbearing / result in lost views from existing residential properties
- Proximity of the building to existing residential properties would create overlooking
- More demand on the poor crossing facilities across Aldcliffe Road
- Light and noise pollution
- Risk to local residents' health due to site's contamination

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraphs **129, 131, 132** and **135** - conservation

6.2 Core Strategy

E1 – Environmental capital

6.3 Development Management DPD (DM DPD)

DM32 and **33** – Development affecting heritage and non-designated heritage assets and their setting

7.0 Comment and Analysis

7.1 The key material consideration in this case is the impact upon heritage assets, which can be subdivided into (i) The Conservation Area; (ii) Listed Buildings; and (iii) Archaeology.

7.2 The impact on heritage assets

7.2.1 Conservation Area

This is an important gateway into the Lancaster Conservation Area and has been identified as an opportunity site in the adopted 2013 Lancaster Conservation Area Appraisal. The Appraisal specifically refers to the Y-shaped fork of King Street and Penny Street, stating that “this forms a strong node and an opportunity to accentuate the townscape with built form and public space. Unfortunately this space is dominated by traffic and poorly considered street furniture and the scale, quality and current condition of the Victorian development that faces this space (currently a KFC franchise) does not reflect its importance.”

The opportunity to enhance this site with good design in terms of built form and public realm is one which is welcomed. The Conservation Officer was involved in the pre-application discussions for this scheme and it is a scheme that in principle that the Conservation Team is comfortable with, subject to the details which can be conditioned. Getting the right external materials (including colours and finishes), drainage details (internal arrangements) and signage (that will need to be subject to a separate application) will be critical.

It is noted that the semi-circular piece of land immediately north of the building is to be redeveloped to incorporate a delivery bay within an area of built-up landscaping. Given the aforementioned statement made in the Conservation Area Appraisal about this area being dominated by traffic, this should be an opportunity to enhance this space as a quality piece of urban realm, and not characterised by the parking of vehicles.

7.2.2 Listed Buildings

Whilst this is a large building, it is considered that the scale is appropriate in relation to the adjacent listed Penny Street Bridge Hotel. Care has been taken in the design to minimise the impact in terms of the interface with / connection to the adjacent Listed building, in particular the set-back ground floor entrance and recessed link up to the fourth floor (which leaves the corner mouldings and string course returns in-tact), as well as the set-back top-floor which leaves part of the Penny Street Bridge Hotel gable and roofscape visible.

In terms of the overall design of the building, it is one which is considered to be fairly low-key, but will still have presence and form an interesting addition to the streetscape, punctuating the end of Penny Street when looking south. The non-structural nature of the stone contrasts well with the adjacent building, but then the wide stone piers help tie the building to the ground. The use of different stone panels on the front and rear also add interest to the scheme. There is both a strong vertical and horizontal emphasis to this building, which works well with the adjacent Listed building which also demonstrates these characteristics. It is important that the rainwater goods are hidden within the building, as proposed, to protect the external appearance of the building.

7.2.3 Archaeology

The County's Archaeologist has reviewed the application and advised that it would appear that the Roman Road which is thought to cross the site has a 'cordon sanitaire' (a barrier implemented to stop the spread of disease) between it and the cemetery that lay on both sides of the road. This means that surviving cemetery remains are likely to be limited to two corners of the site, one of which is more likely to have suffered damage from later medieval and post-medieval development. Consequently well-preserved archaeological remains considered to be of potential national significance are likely to be found only in a small part of the site, offering the potential for such an area to be developed in a manner that preservation in situ might be feasible. Other remains of a lesser significance, such as the road and later phases of the site, could be satisfactorily preserved by means of preservation by record (open-area archaeological excavation). The County Archaeologist is therefore able to recommend that the investigation of the site (archaeological evaluation and/or open-area excavation) be undertaken as a condition of planning permission, though it must be noted that this leaves the applicant taking much of the risk, as the nature, full extent and possible cost of the necessary archaeological works required post-evaluation will only be known at a late stage in the development process. Should areas of significance not prove possible to be preserved in situ then County's Archaeological Service would expect them to be completely excavated.

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 site in its current state does little to enhance the Conservation Area or the setting of nearby Listed buildings. In fact, it provides a poor impression of Lancaster when approaching the city from the south. This proposal has been worked up in conjunction with the Places Matter, Civic Society and the Local Planning Authority. This pre-application work has greatly assisted the applicant insofar as the submitted scheme has satisfactorily addressed Officer concerns raised and is acceptable subject to conditions.

Recommendation

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

1. Standard 3 year timescale
2. Development in accordance with approved plans – list
3. Materials (including finishes and colours) –
 - stone (including mortar, pointing and coursing);
 - windows and doors (including parking bays screens);
 - cladding;
 - shopfront glazing;
 - roof (including trims and soffits);
 - balcony floor surfacing; and
 - surfacing treatments
4. Details –
 - window and door setbacks;
 - internal rainwater details;
 - stone panel joint finishes;
 - floor edge trims;
 - roofing detail;
 - parapet detail; and
 - balustrade and balcony detail floor surfacing
5. Programme of archaeological work
6. Construction management plan
7. Reinstatement of public highway to County Council's standards
8. Hours of demolition, construction and fit-out, including associated deliveries (Mon to Fri 0800-1800 and Sat 0800-1400 only)
9. Contaminated land conditions

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. As a result the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

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 2 March 2015	Application Number 14/01117/FUL
Application Site Middleton Clean Energy Plant Middleton Road Middleton Lancashire	Proposal Erection of a 47.5mw gas fired power station and associated works	
Name of Applicant Mr David Evans	Name of Agent -	
Decision Target Date 20 January 2015	Reason For Delay To resolve issues relating to noise, air quality and contamination	
Case Officer	Mr Andrew Dobson	
Departure	Yes	
Summary of Recommendation	Approval (subject to a referral back to Chief Officer to allow notice to be served on Natural England)	

(i) Procedural Note

This application was presented to Planning Committee on 8 December 2014. Members resolved to delegate the application back to the Chief Officer to determine unless there were outstanding items or the Chief Officer was seeking to approve the application against a consultee's objection, in which case the application was to be reported back to January's Committee. As there were 3 outstanding items the application was reported back to Planning Committee on 5 January 2015. On that date only 1 of the 3 outstanding items (contamination) had been resolved, so the application was deferred until such time as all matters were adequately addressed. It is being reported back to Planning Committee as per January's resolution as the remaining 2 outstanding items (noise and air quality) have now been assessed to the relevant consultee's satisfaction.

1.0 The Site and its Surroundings

- 1.1 This full application relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. The site area is 0.476 hectares and comprises of mainly rough ground covered by inert tipped material upon which some natural regenerated vegetation occurs in parts.
- 1.2 Part of the site comprises existing hard surfaces forming an original portion of the road network within the refinery site.
- 1.3 The site abuts existing industrial sites which front Middleton Road and there is potential linkage through that land by an existing access road on the other side of the boundary. Although the land forms part of the wider Middleton Wood site which is in the City Council's ownership, it has until relatively recently continued to be used for the reclamation of inert construction material and hence has not regenerated into natural habitat in the same way that the wider site area has.
- 1.4 The site and its surroundings are subject to a number of designations, including Hazardous Substance Installations designations (Tradebe Solvent Recovery); a Radon Protected Area; a

Minerals Safeguarding Area and is an area identified as being susceptible to groundwater flooding. Heysham industrial Estate, a waste site allocation, lies further to the south. The wider site includes a Biological Heritage Site designation.

2.0 The Proposal

- 2.1 The development consists of a 14m high, 1300sq.m industrial building which is to be used as a power hall housing five reciprocating gas engines. Fuel will be supplied from an existing underground natural gas pipeline. Emissions from the engines will be vented from a 35m high flue stack.
- 2.2 The proposal is in effect a small gas powered powers station designed to provide on demand additional capacity at times when wind power is delivering less and demand is high. It is generally constructed off site and assembled on the land once consent is granted.
- 2.3 Approximately 18 permanent staff in combinations of shift workers would be employed by the site. Vehicular access to the site both during and after construction would be over the existing estate roads.

3.0 Site History

- 3.1 The following application is relevant:

Application Number	Proposal	Decision
95/01352/DPA	Change of use from derelict Shell/ICI works to Middleton Community Wood	Granted 1/4/1996

4.0 Consultation Responses

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

Consultee	Response
Natural England	<p>The requirements of Regulations 61 and 62 of the Habitats Regulations do not appear to have been considered by Lancaster City Council (i.e. there is no Habitats Regulations Assessment). Further information should be provided on the likelihood of significant effects from the proposal upon the designated (European) sites to allow the Council to undertake their Habitats Regulations Assessment. This further information includes comprehensive details on air quality, drainage, water, protected species, Special Protected Area birdlife, the Lune Estuary and Heysham Marsh Site of Special Scientific Interest; and the Morecambe Bar Special Area of Conservation, Special Protected Area and Ramsar designated Morecambe Bay.</p> <p><i>Note: If the Council is minded to grant consent it must first provide notice to Natural England to include a statement of how the Council has taken account of Natural England’s advice (and shall not grant a permission before a period of 21 days beginning with the date of that notice) – under Section 28(6) of the Wildlife and Countryside Act 1991 (as amended).</i></p>
Lancashire Wildlife Trust	<p>Comments – Appropriate measures required (prior to approval) for minimise impacts on great crested newts which are likely to use the site for foraging, dispersal and hibernation. Little Ringed Plover (protected species) recorded at the site in 2014 and passerine species on adjacent land. Mitigation required to minimise impacts on breeding birds. Other measures required to ensure no wildlife habitat damaged during construction or operation; measures to mitigate against lighting, dust or noise (especially for bats). Protected plants and butterflies are supported by the habitats – ecological enhancement of the site post-construction should compensate for loss of this habitat type. Changes to existing drainage may cause hydrological impacts – measures potentially required to address this. LWT member access should be maintained; a method statement for the electricity cable easement is required; all loading/storage to be contained within red edge and measures for leaching from spoil,</p>

	other pollutants, compaction of ground, damage to vegetation put in place; measures to avoid spread of Japanese Knotweed which is present in the vicinity of the development site.
County Highways	No objection subject to a condition securing a Construction Traffic Management Statement.
Environment Agency	No objection subject to conditions relating to land contamination (if below ground works are proposed) and surface water drainage
United Utilities	No objection subject to no building within 3m of the public sewer. Site should be drained on a separate system (foul draining to public sewer; surface water draining sustainably).
Property Services	No objection. Supports the principle of development but considered the original layout to be "rushed and ill-considered". The development has subsequently been relocated nearer the boundary of the Biological Heritage Site to the east to keep the roadway clear in a north-south direction in line with Property Services' suggestion.
Environmental Health	No objection subject to conditions regarding air quality mitigation measure, noise levels and contamination
Office of Nuclear Regulation (ONR)	No objection
EDF	No objection. There is no significant detrimental effect on the safe and reliable operations at the 2 nuclear power stations
Middleton Parish Council	No comments received

5.0 Neighbour Representations

- 5.1 3 representations have been received. Two of these representations express support for the proposal which will make a tangible contribution of clean gas-powered electricity, with a small developable footprint on a brownfield site, with a good design and no significant visual impacts.

The third representation concerns access issues. The site to the north (Tradebe Solvent Recycling) is a designated Control of Major Accident Hazards (COMAH) site. The primary access for emergency service vehicles is via Middleton Lane, yet the prevailing wind direction means that this route is unsafe. Secondary and tertiary routes off Main Avenue are unavailable due to flytipping and the presence of protected species. Recently the City Council, County Council, Police, Fire & Rescue Service, NW Ambulance Service and Tradebe amongst others have been trying to resolve these issues and reinstate the secondary access route across land being proposed for the current application.

6.0 Principal National and Development Plan Policies

- 6.1 National Policy Statements
 Energy Infrastructure (EN-1)
 Fossil Fuel Electricity Generating Infrastructure (EN-2)

National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles
 Paragraphs **93 96** and **98** – meeting the challenge of climate change
 Paragraphs **109** and **118** – biodiversity
 Paragraph **120** and **121** – contamination
 Paragraph **122 / 124** – emissions / air quality
 Paragraph **123** – noise

Lancaster District Core Strategy (2008)
SC1 Sustainable development
ER2 Regeneration priority areas

ER3 Employment land
ER7 Renewable energy

Lancaster District Local Plan Saved Policies

E26 Middleton Wood community woodland

6.2 Development Management DPD and Morecambe Area Action Plan DPD

The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

DM15 Proposals involving employment land and premises

DM17 Renewable energy generation

DM18 Wind turbine development

DM25 Green Infrastructure

DM27 The protection and enhancement of biodiversity

DM35 Key design principles

DM37 Air quality management and pollution

DM40 Protection of water resources and infrastructure

7.0 Comment and Analysis

7.1 The material considerations in this case are:

- a) Whether a departure from the Development Plan is justified;
- b) Whether the proposal would have an adverse impact on the Biological Heritage Site or other ecological interests including the wider Morecambe Bay SSSI;
- c) Whether there would be wider impacts on the locality in terms of noise, air quality, and traffic movements;
- d) Whether the development would undermine safety considerations in relation to any of the nearby Hazardous Installations;
- e) Whether the development would lead to the disturbance of hazardous substances remaining on the site from the earlier period of remediation; and
- f) Whether the development would have an adverse landscape and visual impact

7.2 Departure from the Development Plan

7.2.1 Although there is a technical departure from the Development Plan, this relates to the land allocations in the former Lancaster District Local Plan which expected the whole of the Middleton Wood area to become a community woodland over time. In reality this was unlikely to occur as the extent of restoration enabling public access was much less than originally envisaged. In the consultation draft of the emerging Local Plan this part of Middleton Wood is proposed to be allocated for employment development. The area of the proposed employment allocation which would be taken up by the power station would be relatively small leaving the opportunity for more commercial development on the site in the future.

7.2.2 In overall strategy terms the District plays an important role as part of Britain's Energy Coast facilitating a number of growth projects aimed at improving the nation's self-sufficiency in energy production. This part of the District is identified in the emerging Local Plan as Heysham Gateway; an area where opportunities will be developed to enhance economic activity associated with the energy industry and the strategic importance of the Port of Heysham. The proposal is entirely in accordance with those objectives. A full set of analysis of the impact of the development on the locality has been undertaken. They appear to demonstrate that there are no overriding impacts which are unacceptable.

7.3 Impact on the Biological Heritage Site

7.3.1 Although the wider portion of Middleton Wood has not been created into a community woodland with extensive public access, the bulk of it (outside the proposed employment portion) is a Biological Heritage Site and is naturally regenerating. There is a cost attached to maintaining this habitat which falls on the Council, and it currently contracts the Lancashire Wildlife Trust to assist with the

management of the land.

7.3.2 One of the key objectives of introducing an employment allocation on that part of the site not within the Biological Heritage Site was to help generate income to continue the maintenance of the site to the standard which has been achievable in the past. To this end a Section 106 agreement will be required to secure a contribution to mitigate the impact of the development by helping the further management and restoration of the remainder of the site.

7.3.3 The original siting of the proposal was such that it sat astride the route of one of the former refinery estate roads which runs across the site, and through the small industrial complex to the north linking ultimately to Middleton Road. This could have adversely impacted on emergency means of escape from the development to the north and could have influenced how the rest of the Council's land is released for development. The revised plans address this concern, though as a result the development now sits closer to the designated Biological Heritage Site. However, the Wildlife Trust confirm that they have no objection to this amendment.

7.4 Wider impacts on the locality

7.4.1 The aforementioned 3 outstanding items (as of mid-December 2014) were air quality, noise and contamination. Environmental Health initially objected to the application based on a lack of information (or insofar as the noise assessment was concerned it was not undertaken in accordance with the latest British Standards that were introduced around the date that the application was submitted). Since receipt of this objection the applicant has agreed the scoping for the required noise and air quality assessments with Environmental Health and commissioned the necessary work. The completed assessments have been formally submitted and Environmental Health Officers are satisfied with their findings, subject to the imposition of 1 condition relating to noise levels not being exceeded at identified receptors to protect the local amenity, and the increase of the proposed 25m stack to 35m to more effectively disperse pollution due to the increased height of the point of emission. The Contaminated Land Officer has now accepted the information provided by the applicant but seeks a condition that requires them to investigate the immediate ground (up to 4m in depth) to ensure that no subterranean structures that may still remain from the time of the refinery are disturbed that could release contaminants into the environment that are currently securely contained.

7.4.2 Now that the outstanding items have been resolved, the Council can undertake a Habitats Regulation Assessment to satisfy Natural England that they have fully considered the impacts of the development on protected species and European designated sites (Special Area of Conservation, Special Protection Area and RAMSAR site). The supporting documentation submitted with the application suggests that there will be no impact on these designated sites as the prevailing winds will blow emissions from the proposal away from the bay and estuary. Whilst this statement is true, wind directions are variable, and therefore the Local Planning Authority must be satisfied that the development can adequately control emissions to ensure that there is no detrimental impact on the bay and Lune estuary regardless of wind directions.

7.4.3 County Highways confirms that they have no objection to the scheme, subject to a Construction Traffic Management Statement being agreed (post determination) and fully implemented.

7.5 Protected Species

7.5.1 The application has been submitted with a Phase 1 habitat and protected species walkover survey, which has utilised survey work previously undertaken in October to December 2012 and March 2013. The key findings are the presence of Great Crested Newts in nearby ponds that may utilise the site outside of hibernating season, the use of the site's shrub for ground nesting birds and foraging bats, and limited use of the site by birds that winter at the nearby estuary and bay. Two forms of invasive species were also identified that will need to be responsibly managed. The site's shrub has little biodiversity interest as a plant species, but does provide some habitat for ground nesting birds. Works, such as site clearance, will need to comply with a Construction Environmental Management Plan that will need to be submitted and agreed prior to works commencing. Compensatory planting will also be needed to ensure that there is no net loss of biodiversity interest in respect of birds. This also applies to the wintering birds that to a lesser degree utilise the site. The impact on them is more likely to occur if the designated bay and estuary are adversely affected by the proposal, which is described in 7.4. Likewise before any works commence, fencing will need

to be erected to ensure the development site (including the pipe and cable trenches) does not adversely impact on Great Crested Newts. Mitigation measures are set out in greater detail in the aforementioned survey, which also suggests the implementation of a compensatory pond. The impact on bats can be significantly reduced by controlling light emissions. Conditions are therefore required for external lighting, a Construction Environmental Management Plan, Great Crested Newt mitigation and compensation, compensatory planting and invasive species management.

7.6 Landscape and visual impact

7.6.1 As advised above, the manner in which the applicant has been able to address air quality concerns is by increasing the height of the proposed 25m high stack by an additional 10m. The scheme has been amended accordingly to incorporate this 35m stack, making it more prominent within the landscape. However, the key viewpoints of this feature would be from the A683 on its south westerly approach into Heysham and from Middleton village, in which case it would be visible alongside existing tall infrastructure, such as electricity pylons and the 2 nuclear power stations. Therefore whilst it would clearly be visible, it would not be overly intrusive within the wider landscape which is already characterised by tall manmade structures. Subject to the colour and finish of the stacks being controlled by condition the installation of such a tall structure in this location is deemed to be acceptable.

8.0 Planning Obligations

8.1 A Section 106 Agreement will be required to secure a financial contribution for the continuing maintenance and improvement of the Middleton Wood BHS. This sum is currently being negotiated.

9.0 Conclusions

9.1 At December's Committee it was reported that there was a need to try to determine this application before the close of 2014 to enable the applicants to have certainty to bid for a license from the Government to undertake the development. This deadline has expired, but the applicant wishes to be in a position whereby they have the benefit of a consented scheme when they enter the 2015 bid process in April. Further to the submission of additional information, the 3 outstanding items (noise, air quality and contamination) have now been addressed to the consultees' satisfaction, and therefore it is recommended that the application is approved, though the Council would need to refer the decision to Natural England to ensure that they accept the Council's Habitat Regulations Assessment.

Recommendation

That planning permission **BE GRANTED** (with subsequent referral of the decision to Natural England) subject to a legal agreement to secure:

- Financial contribution towards the continuing maintenance and improvement of the Middleton Wood BHS

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list
3. Notwithstanding plans, all materials (including finishes and colours) to be agreed
4. Notwithstanding plans, all boundary and surface treatments (including finishes and colours) to be agreed
5. Access, parking and turning facilities – loading/unloading within the on-site facilities provided only
6. Construction Traffic Management Statement
7. Separate drainage system
8. Surface water drainage system and maintenance
9. Hours of construction (Mon to Sat 0800-1800)
10. Method statement for the electricity cable easement
11. Construction Method Statement including dust control and barrier fencing to protect surrounding habitat
12. Japanese Knotweed and Montbretia management scheme
13. Ecological mitigation and compensatory measures

14. Construction Environmental Management Plan
15. External lighting details
16. Landscaping scheme
17. Noise rating levels not to be exceeded at nearby identified receptors
18. Contamination
19. No external storage
20. No building or planting of deep rooted shrubs/trees within 3m of the public sewer

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

For the reasons stated in the report, this proposal departs from policies within the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that on this occasion these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

In reaching this recommendation the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

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 2 March 2015</p>	<p>Application Number 14/01374/CU</p>
<p>Application Site Land Adjoining Scout Crag Caravan Park New Road Warton Carnforth</p>		<p>Proposal Change of use of land previously used in connection with quarry for the siting of 10 holiday cabins</p>
<p>Name of Applicant Mr Hugh Daly</p>		<p>Name of Agent Mr Mark Southerton</p>
<p>Decision Target Date 25 March 2015</p>		<p>Reason For Delay None</p>
<p>Case Officer</p>		<p>Mrs Eleanor Fawcett</p>
<p>Departure</p>		<p>No</p>
<p>Summary of Recommendation</p>		<p>Refusal</p>

1.0 The Site and its Surroundings

- 1.1 This application relates to a piece of land to the south of Crag Road, approximately 1km to the west of the village of Warton. There is an existing gated access from the highway with a stone wall at either side. The site slopes downwards away from Crag Road and is overgrown with bushes and trees and has some areas of hard standing. The larger trees are located adjacent to the highway and the other boundaries of the site. The land drops away significantly to the north-west and south of the site boundaries. Adjacent to the site, to the north west, is Scout Crag Caravan Park which is located within a former quarry and accessed from New Road. It is at a significantly lower level than the site and is separated by the cliff face of the former quarry. The submission sets out that the site was previously used in association with the quarry. There is a woodland TPO covering the trees around the edge of the existing caravan park, the application site and the adjacent land to the south.
- 1.2 The site is located within the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) and the Countryside Area, as identified on the Local Plan Proposals Map. To the north of the site is Warton Crag Nature Reserve. The site and Warton Crag has been locally identified as a Regionally Important Geological Site. Warton Crag is also covered by a Limestone Pavement Order, a Biological Heritage Site (BHS) and a Site of Special Scientific Interest (SSSI). In addition, Morecambe Bay is located approximately 550m to the south west and is designated as a SSSI, Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.

2.0 The Proposal

- 2.1 Planning permission is sought for the change of use of the land for the siting of 10 holiday cabins. These will be finished in dark/subdued colours. Access would be taken via the existing Crag Road access point, and the cabins will be sited around a new internal road.

3.0 Site History

- 3.1 There have been applications in the past for the use of this site for caravans and chalets which were all refused. The main reason for this was due to the location within an identified area of Great Landscape Value and the AONB.

Application Number	Proposal	Decision
13/01309/CU	Change of use of land previously used in connection with quarry for the siting of 10 holiday cabins	Withdrawn
01/89/1305	Outline application to erect a detached bungalow	Refused
1/74/466	Use of land as seasonal holiday caravan site with winter storage and associated parking of cars	Refused
2/4/6590 (1973)	Use of land for 50 seasonal holiday caravans with winter storage	Refused
2/4/6145 (1972)	Use of land for 50 seasonal holiday caravans with winter storage	Refused
2/4/5460 (1970)	Outline application for the erection of 20-30 holiday chalets	Refused

3.2 There is an extensive site history on the **existing** caravan site which dates back to 1957. The most relevant is set out below:

Application Number	Proposal	Decision
11/00368/VCN	Variation of condition 1 on application number 2/4/2329 to allow year round occupancy	Approved
01/00335/FUL	Modification of condition 1 of application 2/4/2329 to extend period of occupation from 1 st March to 15 th January	Approved
01/00279/FUL	Erection of a laundry and disabled w.c. building	Approved
00/00779/CU	Change of use from office/shop/toilet block to dwelling for use by site owner/warden	Approved
99/01154/FUL	Erection of laundry and wheelchair accessible toilet, new workshop with canopy and gas bottle compound	Approved
96/00169/FUL	Erection of storage building	Approved
1/88/01223	Erection of new reception/shop garage and toilets and new septic tank	Approved
1/88/0504	Construct improved access	Approved
2/4/4663 (1968)	Increase number of caravans to 145 and re-arrange siting	Approved
2/4/2329 (1961)	Site for 125 caravans	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Object -they support the objection lodged by the AONB office.
Environmental Health	Comments - The development is sensitive to any ground contamination that may be present and given the characteristics of the site request conditions requiring the submission of a Desk Study (P.R.A) and the Standard Contaminated Land Conditions.
Tree Protection Officer	Object - The submission and agreement in writing of a detailed Tree Protection Plan is required, to include details of all trees and vegetation proposed for removal in order to accommodate the proposed development. Whilst it is acknowledged that the size and location of many trees means that they could reasonably be retained and protected with regard to the proposed development, there will still be a requirement to remove an element of existing trees and vegetation. This information must be provided pre-determination in the form of a TPP, in compliance to BS 5837 (2012).
County Highways	No objection subject to conditions requiring: visibility splays of 2.4 by 65 metres; access constructed to a minimum width of 7 metres for a distance of 7 metres; scheme for construction of the off-site works of highway improvement (namely an improved metaled and kerbed vehicular drop crossing); access surfaced in bound material for distance of 7 metres; any gateposts erected at the access shall be positioned 7m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access; details of covered and secure

	cycle storage facilities. Also recommend undertaking a degree of vegetation / hedgerow management along the sites frontage with Cragg Road.
Arnside and Silverdale AONB Partnership	<p>Object for the following reasons:</p> <ul style="list-style-type: none"> • Contrary to national & local policies & the AONB Management Plan 2014–19; • Additional caravans development in areas where there is already considerable provision would place further pressure on this nationally protected landscape; • Detrimental impact on the landscape character of the area caused by operational development; increased activity; increased traffic; loss of tranquillity; etc; • Damage to priority habitat and loss of connectivity between areas of priority habitat; the site forms part of an important network of priority habitat areas; • Will result in an intensification of use of the site and will lead to further pressure to develop adjacent areas of woodland.
Natural England	No comments received within statutory timescale.
County Ecology	Comments will be likely to be available at the time of the Committee Meeting.
County Council Policy - Minerals	No comments received within statutory timescale.
Lancashire Fire and Rescue	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations

5.0 Neighbour Representations

5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 28 – Economic Growth in Rural Areas
Paragraph 32 – Access and Transport
Paragraphs 115 and 116 – Areas of Outstanding Natural Beauty
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (LDCS) (adopted July 2008)

SC5 – Achieving Quality in Design
ER6 – Developing Tourism

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

E3 – Development Affecting Areas of Outstanding Natural Beauty
E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

DM9 – Diversification of the Rural Economy
DM14 – Caravan Sites, Chalets and Log Cabins
DM20 – Enhancing Accessibility and Transport Linkages
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland

6.5 Other Material Considerations

The Arnside & Silverdale AONB Statutory Management Plan 2014 – 2019

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Landscape and Visual Impact

- Access and highway impacts
- Impact on trees
- Ecological Impacts
- Contaminated land

7.2 Principle of development

- 7.2.1 The application proposes the change of use of land for the siting of 10 chalets which would fall under the definition of a caravan. Although the number is relatively small, the site area is approximately 1.2 hectares and is therefore classified as major development. The site is proposed to be used in association with Scout Crag Caravan Park which is a long established site located within the confines of a former quarry, accessed from New Road. The application site is located above the former quarry and will be accessed off Cragg Road. Paragraph 28 of the NPPF states that to promote a strong rural economy, local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 7.2.2 The site is located within the Arnside and Silverdale AONB. Policy DM14 of the DM DPD sets out that within AONBs proposals for new static or touring caravan sites, or the extension or expansion of existing sites will not be permitted where it is concluded that such proposals will have an adverse impact on conserving the landscape and scenic beauty of these areas. The reasoned justification for the policy states that given the significant caravan site provision that already exists within the AONBs, the Council will not encourage proposals which involve the creation of new caravan sites or the further expansion of existing sites. The landscape and visual impact in relation to the AONB will be considered later in this report. In terms of existing provision, in the part of the Arnside and Silverdale AONB covered by Lancaster City Council, there are currently six licensed sites with planning consent, with provision for approximately 243 caravans, including 145 static caravans at the Scout Cragg site. Immediately outside the district in South Lakeland there are two large sites on the northern fringes of Silverdale, and in the area up to 3 miles outside the AONB within Lancaster District there are a further 18 sites, catering for approximately 1,750 caravans.
- 7.2.3 The NPPF (Paragraph 116) sets out that great weight should be given to conserving landscape and scenic beauty in AONBs. It states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration should include an assessment of:
- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it upon the local economy;
 - The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and,
 - Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which they could be moderated.
- 7.2.4 As already set out, although the number of chalets proposed is relatively small, the site area is over 1 hectare and comprises major development. The criteria set out in paragraph 116 of the NPPF has not been considered in the submission. There are already many caravan site developments within the local area that would meet the need for holiday accommodation in this location. As such, it is not considered that the development of this site would be in the public interest. As part of the justification for the proposal, the submission sets out that there are currently less than the approved number of caravans within the existing caravan park. This is because the owners have sought to enhance the appearance of the park and improve the quality of the accommodation provided. Therefore, it has been argued that the site could be extended within the extent of the red line boundary shown on the original consent. To do this would require the removal of protected trees and significant engineering works. It has been set out that if consent is granted for the current proposal then they would agree to a legal agreement to ensure that the combined number on the existing and proposed site would not result in the overall increase in numbers from the 145 units which have consent.
- 7.2.5 The agent has set out that the legislation provides for the removal of protected trees if required in the implementation of a full permission. However, the consent for the additional pitches was granted in 1968 and has therefore been implemented. The plan submitted at the time showed that this was

possible. The TPO was placed on the site in 1999, a significant time after the consent had been implemented. As such, it is considered that the trees surrounding the existing caravan development are now afforded protection if the applicant chose to increase the current area that they occupy. The agent has also set out that they could carry out any works necessary to facilitate the use of the land as a caravan site under the provisions of the General Permitted Development Order (Class B of Part 5 of Schedule 2). It should be noted that this relates to development required by the conditions of the site licence, and the current licensed area is quite tight around the existing developed area. As such, it is not considered that this provides justification for the proposal. This argument also raises some doubt about the future of the land where consent is sought. Although the development only relates to 10 caravans, the site area goes significantly beyond that required to site the cabins. As such, there may be potential in the future to extend into the area and inadvertently give permitted development rights as it would all be subject to the change of use.

7.2.6 Paragraph 14 of the NPPF contains the overarching presumption in favour of sustainable development, backed up by the decision-taking guidance that proposals which accord with the development plan should be approved. This implies that proposals that are contrary to the development plan might not be approved, and more specifically paragraph 14 states that where the development plan is silent, permission should be granted unless: the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. In specific relation to this, footnote 9 indicates that AONBs are an example of a restricted policy contained in the wording of paragraph 14.

7.3 Landscape and Visual Impact

7.3.1 Policy DM28 of the DM DPD states that the Council will require proposals which are within, or would impact upon the setting of, designated landscapes to be appropriate to the landscape character type and designation, and that development proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape. Proposals which would have a significant adverse effect upon the character of the landscape or which would harm the landscape quality, nature conservation interests, geodiversity interests or cultural heritage will not be permitted.

7.3.2 Although the site adjoins the existing static caravan site at Scout Cragg, the two sites are separated by the cliff of the former quarry with no obvious footpath or other connection between them. The agent has confirmed that access on foot to the main site office would be by way of the public footpath on the western side of the park, approximately 400m to the north-west of the application site. The existing caravan site is well contained within the confines of the former quarry which affords it a significant amount of screening from outside the site. This screening is further enhanced by the wooded nature of the surrounding countryside. The development proposed would not benefit from the same level of concealment and its location on higher land. In addition, the proposed site would not be seen in the context of the existing caravans. The existing site is not visible from Crag Road or within the application site. Although there may be some screening from the surrounding trees and bushes, the proposed structures are likely to be more visible in the landscape when viewed from lower land along the coast and higher open-access land to the north-east. The location of the units may also lead to pressure for the removal of trees along the south western boundary to provide views across Morecambe Bay.

7.3.3 The proposed alterations to the access will significantly alter the character of the site when viewed from Crag Road. At present, there is some hardstanding between the highway boundary and the site gate but this has been partially eroded and overgrown. Beyond the gate, there is grass covering most of the previous track, with the main areas of retained hardstanding visible further into the site. When viewed from the highway, the existing access appears quite informal and the site is similar in appearance to the surrounding land. Although the submission sets out that there will not be significant changes to the access point, this does not correspond with the requests from the Highways Officer. The width of the access has been requested to be increased to 7m to allow for two vehicles to pass, and this would extend into the site for a distance of 7m. This would need to be surfaced in a bound material to meet the requirements of the Highway Authority. The agent has also set out that the 3 trees adjacent to the access would not be removed. However, comparing the plan within the highways report and tree survey, these would appear to be within the visibility splays. Confirmation has been requested from the agent. The Highways Officer acknowledges that it is likely that vegetation would need to be cut back and alterations would be required to the boundary wall.

- 7.3.4 The alterations that would be required to the access to meet the Highways Authority's requirement would create a more formalised access into the site, significantly altering the character and appearance of the existing entrance. The likely removal of trees adjacent to this would also open up views into the site, including some of the proposed cabins and associated hardstanding. It is also not clear from the plan how the land would be landscaped around the units and there are also works, such as the installation of decking, which could be carried out under a site licence. Although the units are for holiday accommodation, there is also some potential for elements of domestic paraphernalia, particularly if occupied for a 12 month period. Lighting will also create an additional visual intrusion into the landscape which is not there at present. Although the submission sets out that these will be low level lights, there is also the lighting from within the caravans which will change the character and appearance of the site, with the potential to be visible from low lying land through the vegetation.
- 7.3.5 The site appears to have been previously used in association with the quarry working at Scout Crag Quarry. However, as the site history on the existing caravan park extends back to 1957, it is unlikely that the application site has had any formal use for a long time. In addition, there were several applications in the early 1970s for the use of this land for caravans or chalets which were all refused primarily on landscape impact grounds. Although policies have changed since then and vegetation has likely increased, the visual intrusion of the use of this land for caravans, and the potential impact on the character and appearance of the AONB is still a significant concern.
- 7.3.5 In the Lancashire Landscape Character Assessment, the Warton Crag area is classified as Wooded Limestone Hills and Pavements (LCA 20a Arnside and Silverdale). In the Arnside & Silverdale AONB Landscape and Seascape Character Assessment¹ (LSCA) the area is classified as being of the Wooded Limestone Hills and Pavements Local Character Type. The wooded limestone hills and pavements of the AONB are described in the LSCA as an important and distinctive feature of the area. A key characteristic of this landscape type is the mosaic of wooded and open habitats (wood pasture and open grassland) including semi-natural woodland, scrub and pasture, with limestone pavement, boulders and scars. The sense of tranquillity is identified as one of the key attributes of this landscape type within the AONB. In the response from the AONB Partnership it was set out that the proposed cabins would be within a more natural landscape of scrub and woodland than the existing caravan site, part of the wider wooded limestone hills and pavements landscape type as described above. As such, the proposed changes would have a detrimental impact on the local landscape character and lead to loss of tranquillity. The comments from the AONB Partnership also highlight that the submitted Tree Report identifies that many of the woodland areas are currently over dense with limited available light for herb layer development and that reference is made to the requirement for regular maintenance of the trees in proximity to the development boundaries and suggests this could form part of a management plan for the wider area. However, if thinning is carried out as part of the woodland management there is the potential for the cabins to be more visible from a range of receptors, and for associated lighting to be more visible from both near and distant receptors, particularly over the winter months.
- 7.3.6 As set out above, it is considered that the proposal will result in a visual intrusion within this designated landscape and will significantly alter the character and appearance of the site at present. It is therefore not considered that the proposal complies with Policy DM14 of the DM DPD in relation to caravan sites, or policies specifically relating to AONBs within this document and the NPPF.

7.4 Access and highway impacts

7.4.1 County Highways have not raised any objections to the proposal. The nature of Crag Road and the surrounding highway network is not conducive to anything other than the movement of low volumes of traffic. As a consequence, it has been set out that any attempts to establish the site for more permanent means of occupation must be strongly resisted. The response also set out that communal secure and lockable cycle rack facilities should be provided for the users of the site and measures are included to formalise the existing field gated point of access to include:

- Creation of an oversized length of driveway to allow two vehicles to pass unhindered prior accessing / egressing to/from the adjacent public highway.
- Laying of metaled surfacing
- Creation of an appropriate view line envelope
- Undertaking vegetation/hedgerow management along the frontage of the site with Crag Road.

All these can be controlled by condition and as such it is not considered that the proposal will be detrimental to highway safety.

7.5 Impact on trees and hedgerows

7.5.1 Trees are an important component feature of the AONB and there are also trees subject of a TPO with a woodland designation. The site comprises a central area of scrubland, grass and bramble cover. There is a mixed species woodland and natural regeneration around the site. Trees and vegetation within the site are a significant resource for wildlife. A total of 7 individual trees, 1 group and 5 areas have been identified. Ash and hawthorn are the dominant species. Trees are generally in a good overall condition with long periods of useful remaining life potential. The Tree Protection Officer has outlined that there would inevitably be a requirement to remove some trees and vegetation from within the central area to accommodate the proposal and these details have not been submitted. However the agent has contested this. The central area of scrubland is identified as within the submitted tree report and species present include ash, hawthorn and elder, generally young with occasional early-mature species.

7.5.2 Particularly given the sensitive nature of the site within the AONB and close to environmentally designated areas, details of all trees to be removed and the protection identified for the remaining trees to be able to fully assess the implications of the development and mitigation necessary. The Tree Protection Officer has outlined that whilst many of the perimeter trees are sufficient distance from the development proposed and/or of a size requiring relatively small root protection areas, their relationship to that of the development must be represented within a detailed Tree Protection Plan (BS 5837 (2012) showing the calculated root protection areas. As already set out above when considering the landscape impacts, three trees adjacent to the entrance to the site would appear to be within the visibility splays. Any potential impact on these as a result of requirements to ensure highway safety have not been addressed.

7.6 Ecological impacts

7.6.1 This application is in close proximity to the Warton Crag and Morecambe Bay SSSIs. Morecambe Bay SSSI forms part of the Morecambe Bay SAC, SPA and Ramsar. Comments have not yet been received from Natural England. However, in relation to the previous application which was withdrawn, they set out that the proposal is not likely to have a significant effect on the interest features for which Morecambe Bay SAC, SPA and Ramsar have been classified and will not damage or destroy the interest features for which the Morecambe Bay and Warton Crag SSSIs have been notified. As the nature and scale of the development is similar to the one withdrawn it is unlikely that they will raise any objections.

7.6.2 An ecological appraisal has been submitted as part of the application and County Ecology have been consulted in relation to this. Comments are awaited and will be reported at the meeting. The delay is due to the appraisal not being submitted with the other application documents. The AONB Partnership have raised some comments in relation to biodiversity. Their response sets out that whilst it is acknowledged that the application site was associated historically with quarrying and ancillary activities, it has been unused for a long period of time, other than for low impact amenity use, and has benefited from extensive natural regeneration. The overall site is identified as priority habitat and provides an important link to other nearby high value wildlife habitats. Barrow Scout BHS, Crag Road Verge BHS, Warton Crag South of Occupation Road BHS, Warton Crag Quarry and Cliffs BHS and Warton Crag Local Nature Reserve form a network of priority habitat linking with Warton Crag SSSI. The comments go on to say that application site forms part of this ecological network, linking the area of priority woodland to the south of the site with the designated areas to the north and it is the Partnership's view that the development would have a detrimental impact on the integrity of this network. Enhancing, restoring and improving ecological networks within the AONB, and conserving and improving priority habitat and its connectivity are key priorities within the AONB Management Plan.

7.6.3 The site is in a sensitive location and there is obviously potential for the development to impact on biodiversity. The advice from the County Ecologist will be taken into account in determining whether the proposal will have a detrimental impact on ecology and will be reported at Planning Committee.

7.7 Contaminated Land

A former magazine is located in the far south of the site and the proposed development is located in a Radon Affected Area (3-5%) and next to a former quarry. The proposed development is also sensitive to any ground contamination that may be present. A desk study and the standard contamination conditions have been requested. In response to this, the agent has set out that here was a magazine on the southern periphery of the application site in the 19th century and the magazine building was still there up to the First World War but there does not appear to have been any use made of it for at least 100 years and the magazine site is well away from any of the proposed units. In addition, the agent has set out that as these units will have a 60cm plus air space/void beneath them the radon issue will be minimised and the fact that foundations are not needed will reduce any ground disturbance although there is no evidence to suggest any contamination of the land has occurred here. It is considered that issues of land contamination can be adequately dealt with by way of condition.

8.0 Planning Obligations

8.1 The agent has offered that the existing agreement can be extended to include the application site and restrict the overall number of units to 145. This would also be required to limit the occupation of the cabins to holiday use and the opening season. No information has been provided in relation to this last aspect in the submission but it is assumed that they are seeking consent for year round occupancy similar to the existing site.

9.0 Conclusions

9.1 NPPF policy advice encourages local planning authorities to balance the need for sustainable rural and tourism development against the need to protect the landscape and other significance aspects of AONBs. Existing local plan policies take a similar approach, with specific limitations on development in protected landscapes. As set out above, it is considered that the proposal will result in a visual intrusion to the detriment of the character and appearance of the site within this protected landscape. It is also a major development within an AONB and it has not been demonstrated that the proposal would be in the public interest, as required by paragraph 116 of the NPPF. The proposal also fails to fully assess the impact on trees and other vegetation within the site which is particularly important given the sensitive location. As such, it is not considered that the proposal complies with policies in the development plan of the NPPF.

Recommendation

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

1. As a result of the works required to the access and the elevated position of the site, the proposal will be visually intrusive within the landscape and will significantly alter the nature and character of this set which is within the Arnsdale and Silverdale AONB and is therefore afforded the highest level of protection. The proposal also relates to a major development and it has not been demonstrated that it would be in the public interest. As a consequence the proposal is contrary to the aims and objectives of National Planning Policy Framework, in particular the Core Planning Principles and sections 3 and 11, Saved Policies E3 and E4 of the Lancaster District Local Plan, policy SC5 of the Lancaster District Core Strategy and policies DM14 and DM28 of the Development Management Development Plan Document.
2. The proposal fails to fully assess the impact on all trees and other vegetation within the site which is particularly important given the sensitive location of the site within an Area of Outstanding Natural Beauty and in close proximity to environmentally designated areas. As such, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Principles and Section 11, and Policy DM29 of the Development Management Development Plan Document.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in

this report.

This proposal has been assessed on site by the local planning authority. Regrettably the proposals are unacceptable for the reasons prescribed in this report and the problems are so fundamental that they are incapable of being resolved as part of the current submission.

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	Committee Date	Application Number
A13	2 March 2015	14/01122/CU
<p align="center">Application Site</p> <p align="center">Mill House Formerly Moss House Farm Buildings Spout Lane Wennington</p>	<p align="center">Proposal</p> <p>Change of use, conversion and extension of derelict farm buildings including mill, stables and ancillary accommodation into a residential dwelling (C3 Use) with stables and ancillary guest and staff accommodation with new access and alterations to existing access points, together with engineering and landscaping works to create a new ancillary subterranean leisure complex (swimming pool) and garaging.</p>	
<p align="center">Name of Applicant</p> <p align="center">Mr A Moores</p>	<p align="center">Name of Agent</p> <p align="center">Mr Joe Riley</p>	
<p align="center">Decision Target Date</p> <p align="center">24 February 2015</p> <p>An extension of time for determination has been formally agreed until the 10th March 2015</p>	<p align="center">Reason For Delay</p> <p align="center">Submission of revised heritage statement, revised arboricultural report and committee cycle</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve</p>	

1.0 The Site and its Surroundings

- 1.1 The application site consists of a large complex of farm buildings located approximately 800m to the north west of Wennington, within the designated countryside area. The site comprises a large Mill building to the north, stables to the south side and three large Dutch-style hay-barns to the west which are situated on the opposite side of Spout Lane. Three residential properties lie to the south of the application site. With the exception of these neighbouring dwellings, the site is surrounded by open agricultural countryside with hedgerows and small groups of trees lining the boundaries.
- 1.2 Moss House Farm and ancillary buildings were built as a “model farm” complex in 1846 associated with Wennington Hall. The building received Grade II Listed status in 1990. Although the buildings appear to be structurally sound, aesthetically they are in a poor condition, some elements significantly more so than others.
- 1.3 The main Mill building is three storeys in height. It is constructed from dressed stone and has a slate roof. There are matching lean-to additions to both side elevations as well as across the entire rear elevation of the building. The Mill’s original stone-built chimney remains intact to the rear and provides a clear indication of its historical character and use. Large concrete silage pits, evidence of the sites more recent use, have been formed into the land as it falls away to the east side of the Mill. The existing stables and cattle pens are a series of linked single storey buildings to the front/south side of the Mill building which form a ‘U’ shape around a central courtyard. They too have dressed stone walls with slate pitched roofs which are in a better overall condition than that of the main Mill building.

- 1.4 The site can only be accessed via Spout Lane, a narrow single lane linking Wennington to the south and Tunstall to the north. Within 200m of each other there are two S-bends in the lane at both the north and south end of the site.
- 1.5 The application site is located outside of both the Wennington Conservation Area at the centre of the village and the Forest of Bowland Area of Outstanding Natural Beauty (AONB) which begins/ends at the south side of the village. The site is however identified as Countryside Area on the Lancaster District Local Plan Proposals Map.

2.0 The Proposal

- 2.1 The application proposes the change of use of the complex to form a single dwellinghouse and associated ancillary guest and staff accommodation – akin to a country estate. The development is broken down as follows:
- 2.2 **The former mill building** - This will be converted and extended to create the main 6-bedroomed single dwelling over three floors. The exterior and openings will be refurbished and renovated, existing lean-to's (to either side) will be re-built like-for-like and the rear lean-to removed and replaced with a modern, glazed orangery. A small glazed link extension is proposed to the east to link with the leisure complex (discussed below).
- 2.3 **Silage Pits** - To the east of the mill, a subterranean leisure complex is proposed in the location of the former silage pits. This shall be accessed via a fully-glazed link from the mill building. As the land falls away the leisure complex appears as an extension to the mill creating a linear pod-like pavilion. The podium of the pavilion and link wall will be in natural stone to match the existing building. The roof of the leisure complex shall be a grassed to fit in with the proposed landscaping around the estate with timber cladding and frameless glass forming the north and east elevations.
- 2.4 **Stable Buildings** - The stable block shall be converted into 3 residential apartments providing accommodation for staff and guests only. The remaining parts of the stable building shall be utilised for storage, utility space, laundry and stables (5 in total with a tack room). The stable courtyard shall be utilised as a kitchen garden and lunging yard.
- 2.5 **Access and Road Alignment Arrangements** - A 250m section of the highway is proposed to be realigned which, with additional landscaping, is proposed primarily to create more privacy to the proposed dwelling but also prevent the road from being used as a rat-run and assist visibility at the new and existing access points. The main access to the Mill House is proposed to be lengthened as a consequence of the realignment of the lane and an additional access will be created to the north of the site. Visibility splays of 33m x 2.4m are to be provided to the access points and any new hedgerow will be set-back to allow for visibility. All access points would be gated and allow for vehicles to safely pull off the highway. The access to the three hay barns to the west side of Spout Lane will be repositioned slightly. This will include the realignment of the hedgerow and installation of a wrought iron fence to allow for visibility splays of 19.7m to the south and 29m to the north of the exit point. The southern site access is proposed to provide access for the equestrian use to the stables as well as providing an alternative route to the subterranean garage at this side. The existing access to Moss House Close is to be retained but remodelled to provide a new private entrance to the neighbouring residential properties. Subterranean garages are proposed below the stable block to accommodate 13 vehicles. The garages will be accessed via the southern access point.

3.0 Site History

- 3.1 The complex has had the benefit of planning permission and listed building consent for practically the same development back in 2010. These permissions have expired but the applicant still wishes to pursue the proposals with some minor changes to the design of the development.

Application Number	Proposal	Decision
09/00706/CU	Change of use and conversion of derelict farm buildings and mill to a single dwellinghouse with stables and	Withdrawn

	ancillary guest and staff accommodation	
09/00723/LB	Listed building consent for change of use and conversion of derelict farm buildings and mill to a single dwellinghouse with stables and ancillary guest and staff accommodation	Withdrawn
10/00643/LB	Listed building application for change of use and conversion of derelict farm buildings and mill to a single dwellinghouse with stables and ancillary guest and staff accommodation	Approved
10/00642/CU	Change of use and conversion of derelict farm buildings and mill to a single dwellinghouse with stables and ancillary guest and staff accommodation	Approved
14/01123/LB	Listed building application for external and internal works to convert and extend derelict farm buildings, including mill, stables and ancillary accommodation into a residential dwelling with stables and ancillary accommodation	Pending Consideration

4.0 Consultation Responses

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

Consultee	Response
English Heritage	Raised concerns over lack of detail in respect of internal fixtures and fittings and compliance with local and national planning policy.
Victorian Society	Object on the grounds of lack of information and assessment of the proposals impacts on the significance of the heritage asset, particularly in relation to the Mill Building.
County Archaeology	No objection subject to a condition requiring an archaeological building recording
County Highways	No objection subject to conditions in relation to the off-site highway works and access points.
Tree Protection Officer	Objection. A detailed and up-to-date Arboricultural Implications Assessment is required.
Environmental Health	No objection or recommendations required
Parish Council	Supportive of the proposal
National Grid	No comments provided.
Natural England	No detailed comments provided other than standing advice for protected species.

5.0 Neighbour Representations

5.1 At the time of compiling this report no representations have been made to the application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles

Paragraph 32 – Transport

Paragraphs 49, 50 and 55 – Housing

Paragraphs 56-64 – Good Design

Paragraphs 109, 111, 118 – Conserving the Natural Environment

Paragraphs 131-134 and 141 – Conserving and Enhancing the Historic Environment

Paragraphs 186 - 187 – Decision Taking

6.2 Lancaster District Development Management DPD

Policy DM7 – Economic Development in Rural Areas

Policy DM8 – Re-use and Conversion of Rural Buildings

Policy DM10 – Equine Development

Policy DM20 - Enhancing Accessibility and Transport Linkages

Policy DM29 – Protection of Trees, Hedgerows and Woodland
Policy DM30 – Development affecting Listed Buildings
Policy DM32 – The Setting of Designated heritage Assets
Policy DM35 – Key Design Principles
Policy DM42 – Managing Rural Housing Growth

6.3 Lancaster District Core Strategy
Policy SC1 - Sustainable Development

6.4 Lancaster District Local Plan
Saved Policy E4 - Countryside Area

6.5 Other relevant information
Aside from the National Planning Practice Guidance (NPPG), the Draft Local Plan for Lancaster District 2011-2026 (2013 Interim 5 Year Housing Land Supply Statement) is relevant - This document sets out the current published position in relation to housing land supply in the District related to the NPPF requirement for five years supply of specific deliverable sites.

7.0 Comment and Analysis

7.1 The main planning considerations are as follows:

- Principle of residential use
- Heritage considerations
- Access and traffic considerations
- Amenity considerations

7.2 Principle of residential use

Mill House, formerly known as Moss House Farm, is positioned 800m north of the small village of Wennington. Wennington is not identified in the Development Plan as one of the district's sustainable rural settlements. There is a general presumption against new residential development located outside of those rural settlements identified in the Development Management DPD. Proposals for new homes in isolated locations will not be supported unless there are clear and demonstrable benefits in favour of the development that would outweigh the dis-benefits of its isolated location. This is set out in policy DM42 of the DM DPD which reflects the guidance set out in the NPPF. Of particular relevance to this case is paragraph 55, which states that "*isolated homes in the countryside should be avoided unless there are special circumstances, such as: where such development would represent the optimal viable use of a heritage asset; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*".

7.3 The former mill and farmstead are Grade II listed and ceased being used for agricultural purposes in 2007. The complex is of significant historic and architectural value, previously considered (at a local level) to be potentially 'at risk' due to its poor condition. Given the listed status of the complex, its important historic value, the fact the buildings are disused and that the proposal would re-use previously-developed land, Officers consider that its renovation and re-development to provide a country home with ancillary accommodation would satisfy the tests set out in paragraph 55 of the NPPF and DM DPD Policy DM42. On this basis, the principle of redevelopment is acceptable. Whilst policy has changed since the last approval (2010), the conclusion that the principle of development is acceptable remains consistent with the previous consent.

7.4 Heritage Considerations

The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should have regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give

special weight to the desirability to preserve the heritage asset.

- 7.5 The proposal is coherent and well-presented and contains sufficiently detailed assessment of significance of the heritage asset and the impacts of the proposal upon that significance. Additional supporting information has been provided to address concerns of English Heritage and the Victorian Society. The scheme remains largely the same as the 2010 development that was approved in Spring 2011. The main differences relate to the design of the subterranean leisure complex building and the omission of a new basement level under the main mill building. Neither English Heritage nor the Council's Conservation Officer raised objections to the previous consented proposals subject to conditions. The current, revised scheme is considered an improvement to the previous scheme on two grounds. Firstly, the omission of the new basement negates the need to underpin the historic mill building therefore reducing the risk of damage. Secondly, the revised design of the leisure complex still represents a modern extension but has a more pleasing solid and linear composition rather than the approved circular glass structure. This better reflects the former farmstead's character. Whilst the local planning authority are supportive, the same cannot be said for the Victorian Society, who whilst being supportive of the re-use of the buildings, have objected to the scheme primarily due to the lack of consideration to the internal fabric of the mill building and the implications of the proposed demolition of an original lean-to and a replacement extension wrapping the chimney. The Victorian Society have been re-consulted on the additional information and any comments received will be provided to Committee verbally.
- 7.6 The scheme involves the restoration and conversion of the listed buildings with a schedule of works to ensure the special architectural and historic features are preserved or enhanced. Due to the condition of the building some re-building is required, but this is proposed to match existing materials and can be controlled by condition. As the report already indicates, new extensions are proposed. Extensions to listed buildings should only be supported where there can demonstrate that the development would not harm the significance of the heritage asset. In this case, the extensions are modern, subservient and complimentary to the existing historic buildings. The most significant addition to the complex is that of the leisure complex and garaging, but with these located below-ground level there is no significant harm to the listed building complex or its setting.
- 7.7 In accordance with Policy DM30 of the DM DPD and Section 12 of the NPPF and despite the concerns raised by the Victorian Society, it is contended that approving the application, in a location where residential development would generally be discouraged, will secure the long term future of this significant heritage asset. This carries significant weight in the determination of the application. In addition, it is also acknowledged that the proposal for a single dwellinghouse with associated guest and staff accommodation is not as intensive as other development that may have come forward, such as a scheme for a number of dwellings (given the scale of the site and buildings). The proposal will also generate a modest level of employment, thus supporting the local rural economy as advocated by policy DM7 of the DM DPD and paragraph 28 of the NPPF.
- 7.8 **Access and traffic considerations**
The plans suggest that approximately 20 car parking spaces will be provided, 13 of which would be within the subterranean garage. A significant proportion of these will likely be utilised by those residing in the main house. Those remaining will be utilised by the staff and those residing in the ancillary guest/staff accommodation. A larger space is provided adjacent to the stables for the parking and turning of a horse box or horse wagon and even delivery goods.
- It is inevitable that the proposal will result in an increase in vehicle movements to and from the site and along Spout Lane. The highway movements are not considered to be substantial and are unlikely to lead to severe highway impacts (NPPF test, paragraph 32). Spout Lane has a carriageway width generally around 3.5 to 4m. The horizontal alignment of the road includes several small radius bends with two reverse bends in the vicinity of the site. The proposal includes alterations to the road alignment between these two bends widening the road to 5.4 to 6m. This improves visibility at the access points with the road and provides more privacy to the proposed Mill House. This situation was reported in the 2009 Road Safety Audit and previously accepted by County Highways. County Highways have no objection to the realignment of Spout Lane subject to conditions controlling the details and implementation of off-site highway works and access points. The applicant will also be required to enter into a legal agreement with the County Highway Authority.
- 7.9 **Amenity Considerations**

The application site is located in designated 'countryside area', approximately 770m north of the Forest of Bowland AONB boundary. New development in open countryside should be in scale and keeping with the character and natural beauty of the landscape (Policy E4 of the Saved LDLP, paragraph 17, NPPF). This proposal is well-thought out and sensitively designed to ensure that the listed building and its setting is preserved and that the wider landscape impacts are minimal. This has been cleverly achieved by developing into the site contours and creating the new additions predominately below the ground level of the existing buildings with the roofs of these structures planted/seeded to create soft landscaping. These combine to enhance the setting of the listed building without appearing incongruous within the open and rural setting of the site.

- 7.10 The proposal does not involve significant tree removal but there is a requirement to remove significant lengths of hedgerows to deal with the proposed road re-alignment. The plans indicate replacement hedgerows will be planted alongside the re-aligned roads. The tree survey is required to be updated to account to the revised British Standard and a tree protection plan would resolve the Council's Tree Protection Officer's objection. Once this is received, and its contents are satisfactory, the precise details of tree/hedgerow protection and new landscaping can be controlled by condition. A verbal update will be provided on this matter. The development will replace significant areas of hard-standing with soft landscaping thereby enhancing the appearance of the site as a whole and providing some biodiversity gain. An ecology survey and report has been provided setting out a number of mitigation measures in relation to protected species (mainly bats).
- 7.11 In terms of residential amenity, the proposed development lies adjacent to three dwellinghouses, located to the south of the complex. They are sufficient distance away from the new residential development and thus avoid any justifiable residential amenity concerns. Inevitably neighbouring residents will experience some additional noise from the increased level of activity (compared with what currently exists) but not such that it would lead to harmful effects upon their private amenity.

8.0 Planning Obligations

- 8.1 None.

9.0 Conclusions

- 9.1 In conclusion, whilst the scheme is small scale it still contributes to the districts housing need; it provides a good opportunity to restore and bring back into use an important, listed rural farm complex, and; offers a unique form of rural employment. The exceptional circumstances presented and discussed above represent an acceptable form of development in this location. The proposal is considered compliant with local and national planning policy and so Members are recommended to support the application.

Recommendation

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

1. Standard 3-year time limit.
2. In accordance with approved plans
3. Details of windows/doors/flues/roofing/glazing to extensions, materials and finishes
4. Boundary details/gates to be provided, retained at all times as approved
5. Use condition and guest/staff accommodation to be ancillary
6. Private Stable use only
7. Garage Use
8. Off-site highway works and timetable for implementation
9. Visibility splays
10. Garages/parking to be available prior to occupation
11. Hours of construction
12. Work to be carried out in accordance with Tree Report/AMS (TBC)
13. Landscaping details to be provided
14. Bat mitigation to be implemented in full
15. Standard contaminated land condition
16. No importation of soil materials unless otherwise agreed
17. Measures to survey and remove asbestos
18. Bunding of tanks

19. Drainage condition
20. Archaeology/building programme of recording and analysis
21. Removal of PD rights (class E)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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 2 March 2015</p>	<p>Application Number 14/01123/LB</p>
<p>Application Site Mill House Formerly Moss House Farm Buildings Spout Lane Wennington</p>	<p>Proposal Listed building application for external and internal works to convert and extend derelict farm buildings, including mill, stables and ancillary accommodation into a residential dwelling with stables and ancillary accommodation</p>	
<p>Name of Applicant Mr A Moores</p>	<p>Name of Agent Mr Joe Riley</p>	
<p>Decision Target Date 16 December 2014</p>	<p>Reason For Delay Awaiting consideration of the change of use application 14/01122/CU, further consideration and consultation on the heritage impacts and committee cycle</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approve</p>	

1.0 The Site and its Surroundings

- 1.1 The wider site, its surroundings and the building is as described in the accompanying planning application, 14/01122/CU, which also appears on this Planning Committee Agenda.
- 1.2 For the purposes of this Listed Building Consent application, Moss House Mill Farm complex was originally a former steam-powered saw mill, corn mill, smithy with ancillary buildings built as a “model farm” complex in 1846, associated with Wennington Hall. The complex is Grade II listed under two separate listings (both listed in 1990). Although the buildings appear to be structurally sound, aesthetically they are in a poor condition, some elements significantly more so than others.

2.0 The Proposal

- 2.1 Listed building consent is sought for various internal and external works to facilitate the change of use of the complex to form a single dwellinghouse and associated ancillary guest and staff accommodation – akin to a country estate. In respect of the Listed Building Consent, the development is broken down as follows:
- 2.2 **The former mill building** - This building will be converted and extended to create the main dwellinghouse providing 6 bedrooms over three floors. The exterior and openings will be refurbished and renovated, existing lean-to’s (to either side) will be re-built like-for-like and the rear lean-to removed and replaced with a modern, glazed orangery. A small glazed link extension is proposed to the east to link with the leisure complex (discussed below). Various other listed building works are proposed, such as repointing, revealing and reinstating historic openings, replacement cast iron rainwater goods and repair or replacement of existing roof timbers and re-roofing.

2.3 **Silage Pits** - To the east of the mill, a subterranean leisure complex is proposed in the location of the former silage pits. This shall be accessed via a fully glazed link extension from the mill building. The complex will be in natural stone to match the existing building. The roof of the leisure complex shall be a grassed roof to fit in with the proposed landscaping around the estate with timber cladding and frameless glass forming the north and east elevations.

2.4 **Stable and cattle pen Buildings** - The stable and cattle block shall be converted into 3 residential apartments providing accommodation for staff and guests only. The remaining parts of the stable building shall be utilised for storage, utility space, laundry and stables (5 in total with a tack room). The stable courtyard shall be utilised as a kitchen garden and lunging yard. This will involve the removal of modern agricultural interventions/fixtures (including a small lean-to to the north elevation) and modest alterations or making good of existing openings. Some new openings are proposed.

3.0 Site History

3.1 The history of the site is as reported on the accompanying full planning application.

4.0 Consultation Responses

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

Consultee	Response
English Heritage	Raised concerns over lack of detail in respect of internal fixtures and fittings and compliance with local and national planning policy.
Victorian Society	Object on the grounds of lack of information and assessment of the proposals impacts on the significance of the heritage asset, particularly in relation to the Mill Building.
County Archaeology	No objection subject to a condition requiring an archaeological building recording
Parish Council	Support the proposal
Conservation Officer	No comments provided.
Twentieth Century Society	At the time of compiling this report no comments had been received.
Society for the Protection of Ancient Buildings	At the time of compiling this report no comments had been received.
Ancient Monuments Society	At the time of compiling this report no comments had been received.
The Council for British Archaeology	At the time of compiling this report no comments had been received.
Garden History Society	At the time of compiling this report no comments had been received.
Georgian Group	At the time of compiling this report no comments had been received.

5.0 Neighbour Representations

5.1 Site notices and letters to immediate neighbours have been posted. The scheme has also been re-advertised for a change in description. At the time of compiling this report no representations have been made to the application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework
 Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
 Paragraphs 131-134 and 141 – Conserving and Enhancing the Historic Environment
 Paragraphs 186 - 187 – Decision Taking

National Planning Practice Guidance

6.2 Lancaster District Development Management DPD

7.0 Comment and Analysis

- 7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which *states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.*
- 7.2 The proposal is coherent and well-presented and contains sufficiently detailed assessment of significance of the heritage asset and the impacts of the proposal upon that significance. Additional supporting information has been provided to address concerns of English Heritage and the Victorian Society. The scheme remains largely the same as the 2010 development that was approved in Spring 2011. The main differences relate to the design of the subterranean leisure complex building and the omission of a new basement level under the main mill building. Neither English Heritage nor the Council’s Conservation Officer raised objections to the previous consented proposals subject to conditions. The current, revised scheme is considered an improvement to the previous scheme on two grounds. Firstly, the omission of the new basement negates the need to underpin the historic mill building therefore reducing the risk of damage. Secondly, the revised design of the leisure complex still represents a modern extension but has a more pleasing solid and linear composition rather than the approved circular glass structure. This better reflects the former farmstead’s character. Whilst the local planning authority are supportive, the same cannot be said for the Victorian Society, who whilst being supportive of the re-use of the buildings, have objected to the scheme primarily due to the lack of consideration to the internal fabric of the mill building and the implications of the proposed demolition of an original lean-to and a replacement extension wrapping the chimney. The Victorian Society have been re-consulted on the additional information and any comments received will be provided to Committee verbally.
- 7.3 The scheme involves the restoration and conversion of the listed buildings with a schedule of works proposed to ensure the special architectural and historic features are preserved or enhanced. Due to the condition of the building some re-building is required, but is proposed to be like-for-like in existing materials. Precise details and methods for repair/re-building works can be controlled by condition. There is, as discussed in the proposal section of this report, extensions proposed. Extensions and alterations to listed buildings should only be supported where there can demonstrate that the development would not harm the significance of the heritage asset. In this case, the extensions are modern, subservient and complimentary to the existing historic buildings. The most significant addition to the complex is that of the leisure complex and garaging, but with these located below ground level there is no significant harm to the listed building complex or its setting. Whilst the proposals will alter the character of the heritage asset and will lead to some loss, such loss is not considered substantial. An archaeological building recording condition is necessary to ensure an appropriate historic record for the listed complex is secured. Precise construction and finish details can also be controlled by condition, such as details of the re-pointing of the buildings and precise details of new windows/doors/flues. The use of conditions has been carefully considered having regard to the previous consents and the level of detail provided to date. Given the listed status of the development, conditions are considered necessary to safeguard and preserve features of special architectural or historic interest that the building possesses.

8.0 Planning Obligations

- 8.1 None.

9.0 Conclusions

9.1 Despite the concerns raised by the Victorian Society, the works required to facilitate this change of use are generally considered sympathetic to the listed status of the building and where additions are proposed the designs are such that the historic character and appearance of the buildings would not be undermined or lead to substantial harm to the significance of the heritage asset. Whilst some modifications and additions are proposed to the complex, the development provides a good opportunity to conserve this important designated heritage asset for future generations to enjoy. The proposals are considered compliant with policy DM30 of the DM DPD and section 12 of the NPPF and on this basis, Members are advised that this listed building application can be supported.

Recommendation

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

1. Standard 3-year time limit.
2. In accordance with approved plans
3. LB precise details, materials and finishes
4. Re-use of existing stone and samples of any new stone/slate to be agreed
5. Re-pointing details
6. Mortar details
7. Boundary details and gates
8. Archaeology/building recording

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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 2 March 2015</p>	<p>Application Number 14/01243/FUL</p>
<p>Application Site 122 Broadway Morecambe Lancashire LA4 5XZ</p>	<p>Proposal Erection of a two storey rear extension</p>	
<p>Name of Applicant Mr N. Palamountain</p>	<p>Name of Agent Building Plan Services</p>	
<p>Decision Target Date 10 February 2015</p>	<p>Reason For Delay Awaiting amended plans and Committee cycle</p>	
<p>Case Officer</p>	<p>Mrs Petra Williams</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval subject to conditions</p>	

Procedural Matters

The application is one which would normally be dealt with under the Scheme of Delegation but because of the planning history of this particular site, which has included presentation of previous items to the Planning Committee, a similar referral is considered appropriate at this time.

1.0 The Site and its Surroundings

- 1.1 The subject property is a detached two-storey three-bed dwelling with garages attached on both sides, situated on the east side of Broadway in Morecambe. The property, which has a dash render exterior under tiled roof, faces onto Broadway with residential dwellings either side and to the rear. The adjacent properties are semi-detached and of similar design and style. This property and No.120 Broadway are bounded by timber panel fencing from the front building-line back to the rear garden area, where it then becomes bound by a garage and outbuildings. The front garden area is almost wholly made over to hard surfacing with localised shrub planting.
- 1.2 Within the north-western site boundary there is a path along the side of the building to the rear of the property. Along the south-eastern edge of the site a second garage forms a boundary from the front building line to the rear building line. Timber panel fencing is again used to create the remaining side boundary between the properties in addition to the side elevation of the neighbouring garage at No.124. A rendered wall (approximately 1m to 1.5m height) forms the rear boundary between the application site and the neighbouring garden of No.2 Lonsdale Road to the north-east.
- 1.3 The neighbouring property at No.120 Broadway is separated from the application site by a driveway approximately 3m wide. The side wall of the No.120 contains two windows at ground floor level and a single window at landing level. The ground floor windows comprise a small fixed window and a shallow projecting bay window. Both these windows provide light to a single room used as a kitchen-diner. The room does not enjoy any windows to the rear elevation and the small window is dominated by a car port across the drive to No. 120 Broadway. Therefore the bay window is the main source of light into the room.

- 1.4 The neighbouring property at No.124 Broadway is separated from the application site by a driveway approximately 3m wide. The north-western (side) elevation of this property contains three windows at first floor which are understood to serve bathroom and landing areas. There are 2 windows and a glazed door on the ground floor of the side elevation. One of these windows and the door which would be opposite the proposed extension are obscure glazed. The other window is clear glazed but faces directly towards the existing two storey side elevation of the application property. They all serve a kitchen diner that also benefits from a further (clear glazed) window in the opposite side elevation. This has been confirmed by way of a site visit to this property.
- 1.5 Within the wide expanse of Broadway and the surrounding area properties vary in style from large detached and semi-detached houses to flat accommodation. The majority of properties have substantial driveways and this part of Broadway is typified by a grass verge which separates the public footpath from the highway.
- 1.6 The area is generally low lying and fairly flat though levels to the rear of the site are slightly lower than those at the front. The application site is unallocated within the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 The application proposes a two storey extension to the rear of the property. Revised plans indicate a hipped roof design in line with existing with a hipped roof dormer within the rear roof plane which will provide light to a bedroom within the converted loft. At first floor the development will project 3 metres from the rear elevation and this will facilitate the enlargement of an existing bedroom and the creation of an additional bedroom. The layout has been designed to locate en-suite and bathroom windows within the side elevations. At ground floor the development will project 4 metres with a lean-to roof and will accommodate a kitchen and sitting room area. The development will have an overall width of 8 metres across the main rear elevation of the property.

3.0 Site History

- 3.1 The property has been the subject of two planning applications in recent years. Application 10/01101/FUL sought consent for the erection of a first floor side extension over the garage (north-western elevation) which projected approximately 4 metres past the rear wall of the house. A two storey rear extension was also included within the proposal. A new multi hipped roof was to be introduced across the top of the extended dwelling. The application was initially presented to Committee on 7 March 2011 and was deferred to enable a site inspection to be undertaken by Members of the Planning Committee. Following the site visit the application was presented to Committee on 4 April 2011 where it was determined to refuse the application contrary to Officer recommendation.
- 3.2 The decision of the local planning authority was appealed by the applicant to the Planning Inspectorate. The appeal was subsequently dismissed on 2 August 2011. In determining the appeal the Inspector concluded that the kitchen diner to No 120 Broadway was a habitable room, and the proposed development would have an adverse impact upon the living conditions of it.
- 3.3 A subsequent application (12/00258/FUL) again sought consent for the erection of an extension over the side garage to the north-western side of the property. This scheme proposed that the front wall of the extension was to align with the front wall of the main dwelling with the overall depth of the extension being reduced to 6.2m. However this scheme was also refused at Committee, this time in line with the Officer recommendation. This refusal was later upheld at appeal with the Inspector once again highlighting the detrimental impact that the scheme would have on the kitchen diner window of No.120.

Application Number	Proposal	Decision
12/00258/FUL	Erection of an extension to the side over existing garage	Refused and upheld at Appeal
10/01101/FUL	Erection of a two storey extension to the rear and first floor extension to side over existing garage	Refused and upheld at Appeal

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received at the time of compiling this report. Any comments received will be reported verbally at Committee.

5.0 Neighbour Representations

5.1 A total of 9 letters/emails of objection have been submitted (although three of which appear to be duplicates from the same address).

Comments have been received from immediate neighbours at 120 Broadway, 124 Broadway and 2 Lonsdale Road in addition to a submission from a planning consultant representing these neighbours. A letter of objection has also been received from 118A Broadway. These comments were submitted prior to the receipt of amended plans and the main grounds for objection are:

- Privacy of the rear garden area of 2 Lonsdale Road has already been compromised by the removal of substantial leylandii. The development would therefore result in further loss of privacy and light.
- Loss of privacy to 120 and 124 Broadway due to first floor side windows
- Loss of light to 120 and 124 Broadway
- Overdevelopment of the site
- The proposed development extends beyond the rear of the existing property by 4 metres exceeding the rear building line
- Loss of sky view
- Overbearing development
- Poor/inappropriate design
- Legal right to light
- Existing plans incorrect as first floor windows are shown which do not exist

At the time of compiling this report no comments have been received in respect of the amended plans.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework
Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
Paragraphs 56-64 – Good Design

6.2 Lancaster District Development Management DPD
Policy DM35 – Key Design Principles

6.3 Other relevant material considerations:
Supplementary Planning Guidance Note 12 – Residential Design Code

7.0 Comment and Analysis

7.1 The key material considerations arising from this application are:

- Principle of Development
- Design of Development
- Residential Amenity

7.2 Principle of Development

The general principle of household extensions is accepted in planning practice, provided the scale, design, appearance and use of materials are appropriate in context with its surroundings, and as such each case is assessed on its own merits. These principles are reflected within the National Planning Policy Framework while SPG12 Residential Design Code provides more detailed design guidance. DM35 of the Development Management DPD refers to the design of new development and links to further advice within the Council's Householder Design Guide which sets out key design principles.

7.3 Design of Development

The original plans raised design concerns due to the proposed side windows and large bulky gable. These concerns are reflected in the public comments received in response to the scheme. The amended plans reduce the first floor element to a 3 metre projection with a hipped roof which will incorporate a pitched roof dormer. The dormer will be subservient within the roof plane and will be set back approximately 1 metre from the eaves and have a 500mm set down from the ridge. Materials will match the existing dwelling and it is considered that the revised scheme now represents a sympathetic approach in terms of scale and form.

7.4 Residential Amenity

One of the key considerations relates to potential impacts upon residential amenity. The current submission differs significantly to the two previous schemes in that development along the north-western side of the site is no longer proposed.

7.5 Impacts on 120 Broadway

Unlike previous applications the current proposal does not seek to develop along the boundary with No.120. The amended scheme reduces the bulk and first floor projection of the scheme and it is therefore considered that the development will not result in adverse impacts on the projecting bay window within the side elevation of No.120. Furthermore it is considered that views of the hipped roof development, which will be a minimum of 10 metres away, will be screened in part due to existing intervening structures such as the car port and fencing. It is therefore considered that the amended scheme will not result in undue impacts on the kitchen diner window of No.120. The proposal also includes the insertion of a new first floor window to the existing north-eastern elevation of the property. However, plans indicate this window to be obscure glazed and as it will serve a bathroom can reasonably be conditioned as such.

7.6 Impacts on 124 Broadway

The existing arrangement at this property means that the main (north facing) window of the kitchen diner faces an approximately 2 metres high timber fence approximately 3 metres away and the two storey side elevation of the application property which is situated approximately 6 metres away. In light of this and based on the revisions received it is considered that the first floor element will not result in an unacceptably dominant or overbearing form of development. Additionally, the impact of the ground floor element will be mitigated by the existing substantial fence boundary. Furthermore as highlighted within paragraph 1.4 of this report, there are other windows within this kitchen diner which are sources of light and outlook. The occupier of this property has raised the issue of "right to light" legislation. However, this is a civil matter between the parties and not a planning matter. It has also been argued by the planning consultant that the development would have a negative impact on the enjoyment of the garden area to the rear of No.124 due to the overall massing, scale and featureless design. It is considered that the amendments received have addressed these issues and as the first floor element will be in line with the rear elevation of the outrigger of No.124 it is considered to be a reasonable form of development. The amendments also remove clear glazed first floor windows within the side elevation and therefore concerns regarding overlooking to No.124 have now been obviated.

7.7 Impacts on 2 Lonsdale Road

The residents of this property have highlighted concerns regarding loss of privacy and overlooking. It was noted during the site visit that despite the existence of the rear boundary wall, views to the

north-east of the site present a relatively open aspect with the greenhouse, shed and garage of No.2 Lonsdale Road being fairly visible. Given the orientation of the property, the development will not result in window to window overlooking. Furthermore a garden depth of approximately 15 metres will remain following completion of the development and the windows of the first floor and dormer will be approximately 16 metres and 17 metres away from the rear boundary respectively. It is accepted that within urban development there will be a degree of mutual overlooking of garden areas and this is indeed evident in the vicinity. However, the distances involved following completion of the development are considered to be reasonable in this instance. Nevertheless the applicant intends to erect a 2 metre high fence along the rear boundary in order to increase his privacy following completion of the development. This should provide some comfort for the occupants of No. 2 Lonsdale Road and can be the subject of a condition.

7.8 Overall, following the receipt of the revised plans and for the reasons outlined above, it is considered that the scheme can be implemented without causing undue impact to neighbouring residential amenities and therefore a refusal on these grounds would be difficult to sustain.

7.9 Other Considerations

It is worth highlighting that under current permitted development rights a two storey extension may be constructed where it does not project beyond the rear wall of the original house by more than 3 metres or be within 7 metres of any boundary opposite the rear wall of the house. Development must also not be within 2 metres of a side boundary if the eaves are higher than 3 metres. Other conditions such as a maximum eaves and ridge height to be no higher than the existing house and obscure glazing to side windows also apply. Therefore Members should note that a two storey rear extension with a 3 metre projection could realistically be developed at this site without the requirement for planning permission. The only reason this proposal requires consent is because the ground floor element exceeds 3m and the development is being constructed as a whole.

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 the amended plans represent an acceptable approach in terms of design and residential amenity and therefore in respect of these matters, the development is in compliance with the relevant Development Plan policies and guidance provided in the NPPF. As such the proposed development is considered acceptable from a planning point of view, subject to appropriate conditions. It is recommended that Members support the scheme.

Recommendation

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

1. Standard 3 year timescale
2. Amended plan
3. Development in accordance with approved plans
4. Obscure glazing/non opening windows to first floor sides
5. Removal of permitted development rights windows and doors.
6. Rear boundary fence at 2m high (details to be agreed)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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. Copy of appeal decision APP/A2335/D/11/2154800 in respect of 10/01101/FUL and APP/A2335/D/12/2181838 in respect of 12/00258/FUL.



Appeal Decision

Site visit made on 25 July 2011

by **R M Barker BEng(Hons) CEng MICE FCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 August 2011

Appeal Ref: APP/A2335/D/11/2154800

122 Broadway, Morecambe, LA4 5XZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Palamountain against the decision of Lancaster City Council.
 - The application Ref 10/01101/FUL, dated 27 October 2010, was refused by notice dated 4 April 2011.
 - The development proposed is described as *proposed two storey extension to rear with first floor extension to side over existing garage.*
-

Decision

1. The appeal is dismissed.
2. I have taken account of the views of local residents and other interested parties in reaching this decision.

Main Issue

3. The effect of the proposed development on the living conditions of the occupiers of No.120 Broadway by reason of an overbearing nature.

Reasons

4. The element of this appeal that is of concern is the proposed extension to the north west side of the host dwelling above the existing garage and adjacent to No.120 Broadway. The proposal would result in a substantial reduction in the first floor gap between these two dwellings to approximately 5 metres. However the Council's Supplementary Planning Guidance Note 12 [SPG] '*Residential Design Code*' advises (paragraph 2.17) that there should normally be at least a 12 metres gap where a habitable room faces on to a side wall of this nature.
5. The proposal would impinge upon the enjoyment of the use of the ground floor kitchen diner, a habitable room in No.120 Broadway from which I was able to view the appeal site during my inspection; its window directly faces the north west side of the appeal dwelling.
6. In my judgment this element of the proposed development would have a materially adverse effect on the views of open sky that are currently available from this kitchen diner window and in this crucial respect my assessment differs from that of the Council officer and of the appellant. The proposal would significantly change the current outlook from No.120, notwithstanding current

views of the boundary fence and neighbouring wall. It would present a dominant new building element that would noticeably reduce daylight in the affected room of No.120 Broadway. In all these respects therefore the proposal would conflict with Lancaster District Local Plan Policy H19 which includes the provision that development should not have an adverse effect on the amenities of nearby residents.

7. The appellant has drawn attention to an extension that has been constructed at No.66 Broadway. However I am not aware of all the circumstances of that case and I must deal with this appeal on the basis of the details that present themselves at this appeal site.
8. In view of all the above therefore I conclude on the main issue that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of No.120 Broadway by reason of an overbearing nature and consequently I dismiss the appeal.

R M Barker

INSPECTOR



Appeal Decision

Site visit made on 5 October 2012

by **D Kaiserman BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2012

Appeal Ref: APP/A2335/D/12/2181838

122 Broadway, MORECAMBE, Lancashire, LA4 5XZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Palamountain against the decision of Lancaster City Council.
 - The application Ref 12/00258/FUL was refused by notice dated 28 May 2012.
 - The development proposed is erection of an extension to the side over existing garage.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of no 120 Broadway, in particular in relation to the general outlook from the facing ground floor kitchen / diner of that dwelling.

Reasons

3. 122 Broadway is a detached two-storey house in a mature residential area. There is a single-storey, flat-roofed garage on its north-western flank, close to the boundary with no 120 Broadway, on top of which it is proposed to construct a new bedroom extension. This would be flush with the existing side wall of the garage, and the distance between the two properties would be 5m on two levels. The ground floor facing side elevation of no 120 contains windows to a kitchen / diner, and the only issue raised by the appeal is the effect that the proposed extension would have on the reasonable use of that room.
4. The present scheme was prepared in response to an earlier proposal for a significantly larger development, permission for which was refused on appeal in August 2100 (ref: APP/A2335/D/11/2154800). That scheme involved an extension which ran the full depth of the garage and beyond, 4m to the rear; it also included a full-width two-storey rear extension. In dismissing the appeal, my colleague focused on the consequent reduction in the gap at first-floor level between the two dwellings, in particular in relation to the enjoyment of the use of the kitchen / diner. He concluded:

"In my judgment this element of the proposed development would have a materially adverse effect on the views of open sky that are currently available from this kitchen diner window and in this crucial respect my assessment differs from that of the Council officer and of the appellant. The proposal would significantly change the current outlook from No.120,

notwithstanding current views of the boundary fence and neighbouring wall. It would present a dominant new building element that would noticeably reduce daylight in the affected room of No.120 Broadway. In all these respects therefore the proposal would conflict with Lancaster District Local Plan Policy H19 which includes the provision that development should not have an adverse effect on the amenities of nearby residents”.

5. I adopt the previous Inspector’s conclusions in their entirety, since I consider that the impact of the scheme on the room in question would largely be unchanged despite the modifications. I accept that the present scheme represents a significant reduction in the scale of the proposed works, and that its effect would be less harmful than the earlier scheme. In particular, the small secondary window (which also faces the appeal site) would not now be dominated by a two-storey wall, and views to the north-east from the primary bay window would be more open. Nevertheless, this still leaves the outlook to the south and south-east, which I consider would remain unacceptably oppressive. There are no other sources of natural light to the room in question.
6. I note that the appellant does not accept the description of the kitchen / diner at no 120 as a “habitable room”. This is not an assessment shared by the earlier Inspector, or by me. In my opinion, there is no hard-and-fast definition of what a habitable room might be for planning purposes: in other words, much depends on the actual use of the spaces and the layout of the property in any particular case. It was clear to me on my visit that, while the room at issue here may not be the primary dining area, its more informal use for that purpose suggests that it is a room in which the occupants of no 120 might be expected to spend considerable amounts of time. An Inspector reached a different conclusion in relation to an appeal at 10 Barton Road, Lancaster; but the Council have pointed to differences between the two cases (which the appellant does not challenge), and this supports my view of the need for each case to be assessed carefully on its own merits.
7. In this case, therefore, I do not accept that the Council’s guidelines (found in paragraph 2.17 of their Residential Design Code) are immaterial to my consideration of the appeal. These state that, where windows to a habitable room would face a blank elevation, the separation distance should normally be 12m. I acknowledge that the focus of the guidance is on new, rather than existing, dwellings and, in any event, that advice of this kind is discretionary rather than mandatory. Nevertheless, I consider it to be a reasonable benchmark for helping to assess the impact of development such as the appeal scheme; and the considerable shortfall between the suggested and achievable separation distances in this case adds weight to my own more subjective judgement.
8. I have sympathy with the appellant’s wish to provide for the needs of his family, and accept that a genuine attempt has been made to address the shortcomings of his original proposal. However, these considerations do not outweigh the harm which I have described, and which has led me to dismiss the appeal. I should add that I have attached little weight to the fact that the relevant committee overturned the recommendation of its officers.

David Kaiserman

INSPECTOR

<p>Agenda Item A16</p>	<p>Committee Date 2 March 2015</p>	<p>Application Number 15/00052/FUL</p>
<p>Application Site 11 Allandale Gardens Lancaster Lancashire LA1 5JN</p>	<p>Proposal Erection of a single storey rear extension and conversion of garage to provide ancillary living accommodation and storage</p>	
<p>Name of Applicant Mr & Mrs Ashfaq Rehman</p>	<p>Name of Agent</p>	
<p>Decision Target Date 16 March 2015</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mrs Kim Ireland</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

(i) **Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, the applicant is an employee of Lancaster City Council and as such the proposal is determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 The property which forms the subject of this application relates to a three storey townhouse with an integrated garage which is located on Allandale Gardens in Lancaster. The cul-de-sac consists of 22 townhouse properties and within the surrounding area there are terrace properties and a number of commercial properties/community facilities which include a small convenience shop, Marsh Community Centre and Willow Lane Community Primary School. The property is also located less than 1km from the city centre boundary, 0.5km from Lancaster train station, 1km from the main bus station and 0.4km from the strategic cycle network (on New Quay Road).

1.2 The site is unallocated in the Lancaster District Local Plan proposals map

2.0 The Proposal

2.1 The application proposes the erection of a single storey extension to the rear elevation of the property and converting the garage to provide ancillary living accommodation and storage. The proposed extension is to be situated adjacent to the property's existing 3-storey projection, finishing flush with its rear wall. The extension therefore would only project by approximately 1.6m, and have a width of approximately 2.8m. The proposed flat roof would be finished at a height of approximately 2.6m. The materials that are to be used are reconstituted stone walls, under a sedum roof with grey UPVC/PCC aluminium doors. The proposed rear extension and the converted garage will provide a kitchen/dining room and bike store to the ground floor.

3.0 Site History

3.1 There two previous consents relating to the site are the outline and reserved matters applications for

the construction of the dwelling (02/00151/OUT and 03/00212/REM).

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objection subject to hours of construction condition. An advice note regarding radon protected areas is also provided.
County Highways	No objection. An initial objection was subsequently removed

5.0 Neighbour Representations

5.1 At the time of compiling this report no representations have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 - 12 Core Principles
Paragraphs 56 and 57 – Requiring Good Design

6.2 Development Management DPD (DM DPD)

DM35 – Key design principles
DM20 – Enhance Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
Appendix B: Car Parking Standard

6.3 Other Material Considerations

Supplementary Planning Guidance 12 – Residential Design Code

7.0 Comment and Analysis

7.1 The main issues for consideration are:

- General design;
- Impacts on the highway and parking facilities; and
- Impacts upon residential amenity

7.2 General Design

The proposed extension has been designed and is made up of materials to reflect that of the existing dwelling. The proposed extension will reduce the size of the rear yard, however the property will have ample enough amenity room. Whilst the proposed extension will change the appearance of the rear elevation the majority of the proposed extension will be screened by the existing (approximately) 2m high boundary fence and therefore have very little visual impact on the street scene when viewed from Willow Lane from the rear. From within Allandale Gardens, there will be no visible change. The proposed conversion of the garage to provide ancillary living accommodation and storage will not change the appearance of the front elevation as it is proposed to retain the existing garage door.

7.3 Impacts on the highway and parking facilities

County Highways initially raised an objection based on the loss of parking caused by converting the existing garage. The Highway Officer was concerned that the applicant would unofficially park in the turning head that serves Allandale Gardens adjacent to the application property. This would obstruct/interfere with the ability of large service vehicles being able to turn and egress that particular length of public highway in a forward gear. However, the Highway Officer has subsequently acknowledged that there is one designated parking space within Allandale Gardens that is allocated to the application property.

The parking standard for a two or three bedroom dwelling (and the proposed layout does lend itself to be sub-divided to create a third bedroom, which would not require the benefit of planning permission) is two spaces as stated within appendix B in the DM DPD. However, this is a maximum standard and given that the property is located where sustainable travel patterns can be achieved as identified in Policy DM20, and cycle storage is maintained within the front section of the existing garage with ease of access via the retained garage door, having one parking space is deemed acceptable, which in turn makes the loss of the garage space for parking a vehicle also acceptable.

7.4 Impacts upon Residential Amenity

The proposed development is not seen to have any adverse or detrimental impacts upon residential amenity. The property borders 9 and 15 Allandale Gardens. However, as the proposed extension is not to protrude any further than the existing three storey wall of the application property, thereby not affecting No.9, and only projecting approximately 1.6m from the recessed section of the rear wall, thereby respecting its relationship with no.15 (whose nearest rear window only serves a garage), the development is not deemed to have a detrimental impact to the residential amenities of the neighbouring properties. However, to prevent overlooking, the use of the extension's flat roof will be controlled by condition to ensure it does not become a seating area/balcony.

8.0 Planning Obligations

8.1 Given the nature of the proposal there are no requirements for a legal obligation.

9.0 Conclusions

9.1 The proposed erection of an extension and conversion of the garage has been found acceptable in terms of design and amenities of local residents. In respect of these matters, it is in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

Recommendation

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

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved
3. The roof of the development shall not be used as a balcony
4. Hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in the officer report, there are no material considerations which otherwise outweigh these findings.

The local planning authority has considered the application as submitted and has visited the site, and it is able to conclude that the proposal is one that can be proactively supported without any amendments being necessary.

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 A17	Committee Date 2 March 2015	Application Number 14/01176/ADV
Application Site City Centre Lancaster Lancashire	Proposal Advertisement application for 3 panel adverts on 27 bins at various sites to include Market Street, Market Square, Lancaster Gate, Penny Street, Cheapside, Church Street, Gage Street, Damside Street, Common Garden Street, Spring Garden Street and New Street	
Name of Applicant Ms Helen Ryan	Name of Agent	
Decision Target Date 11 March 2015	Reason For Delay None	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval subject to conditions	

(i) Procedural Matters

It has been necessary to bring this application before Members as the application is made on behalf of Lancaster City Council.

1.0 The Site and its Surroundings

- 1.1 The application site largely relates to various points within the pedestrian zone in Lancaster city centre. The application also relates to some points which are peripheral to the pedestrianised area but nevertheless focuses around the retail core of the city where there are also a number of well-established cafes, restaurants and public houses.
- 1.2 The application site falls within Lancaster Conservation Area adjacent to designated 'Primary' and 'Other Key' retail frontages. There are a number of Listed and locally listed buildings within the vicinity of the bin locations.

2.0 The Proposal

- 2.1 The plans identify 27 sites for the display of advertisements on litter bins at a number of points within the city centre. The installation of litter bins, when undertaken by the Local Authority, does not in itself require planning permission. However, the current proposal involves sponsored advertisement litter bins whereby a private company would provide free-standing litter bins.
- 2.2 The bins will incorporate advert panels on three sides. The side panels will have dimensions of 0.48m by 1m and the front panels will be of 0.58m by 1.1m. It is these advertising panels which are incorporated within the bin design which require Advertisement Consent.
- 2.3 The signage will be displayed on litter bins to be sited at the following points within the city centre:
- Penny Street (5)
 - Spring Garden Street (1)

- George Street (1)
- Common Garden Street (1)
- Gage Street (2)
- Market Street (3)
- Lancaster Gate (1)
- New Street (2)
- Market Square (2)
- Cheapside (3)
- Church Street (3)
- Damside Street (3)

3.0 Site History

- 3.1 There are no similar applications relating to the siting of advertisements within the city centre. However, Members may recall a similar wider-scale approach was adopted regarding street café seating in 2012. Members will also be aware of the recent investment and works undertaken in the city centre through the Square Routes Project.

Application Number	Proposal	Decision
12/00239/CU	Use of designated pedestrian highway as street cafe seating and balustrades (no fixed structures), to include Market Street, Market Square, Penny Street, Cheapside, Church Street, Dalton Square, Gage street, Damside Street, Common Garden Street and New Street	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Team	Adverts not considered to be appropriate within Dalton Square. Suggested that the advert panels could be reduced in size.
County Highways	No objections

5.0 Neighbour Representations

- 5.1 No public comments received

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
 Paragraph 17 – Core Principles
 Paragraphs 56, 58, 61, 64 – Good Design
 Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment
- 6.2 Development Management DPD (DM DPD)
 DM6 - Advertisements
 DM31 – Development affecting Conservation Areas
 DM35 – Key Design Principles
- 6.3 Other material considerations

Supplementary Planning Guidance Note 7 – Advertisement and Shopfront Guide

7.0 Comment and Analysis

- Background to the Proposal
- Visual Amenity
- Highway Safety

7.1 Background to the Proposal

Although the litter bins in themselves do not require planning consent it is useful to consider them in context for this application as they are linked to the work recently undertaken through the Lancaster Square Routes Project. This has involved a range of physical improvements and operational changes to make public spaces in the centre more attractive and add vibrancy to the area, in order to support economic, environmental and social ambitions. One aspect of the physical improvements is to de-clutter the streetscene, which includes the reduction in the numbers of refuse bins. It is considered that this will assist in enhancing the heritage qualities of the city centre and free up space for pedestrian movement.

7.2 This application relates to an initiative by the Council to introduce a new refuse bin system within the city centre and replace the 46 existing bins with 27. This reduction would make a significant contribution to reducing street clutter and mitigating the overall visual impact of bins; which are generally aged and quite unsightly. Whilst there would be fewer bins, the replacement bins would have a much larger capacity because of a built-in compaction mechanism. The bins also benefit from a built-in intelligent monitoring system which enables the Council to tailor bin emptying to when needed.

7.3 Advertising on the bins is sought to make the new bin system viable for the City Council. The bin supplier will manage the advertising and be responsible for changes in advertising and the upkeep. The business model encourages high quality advertising and maintenance. However whilst all this is useful contextual information, the advertisement application must be determined upon two matters; the visual amenity impacts of the advertisement(s) and their impacts upon highway safety.

7.4 Visual Amenity

With regard to visual amenity, regard must be given to whether the proposal is compliant with the criteria set out in Policies DM6, DM31, DM35 and SPG 7, and in particular whether the proposal is acceptable in terms of the impact on the surrounding Conversation Area. As part of the Square Routes project, new benches were installed throughout the centre with adjacent spaces allocated for some of the replacement bins which will carry the proposed advertising.

7.5 The advertisements will be contained within specially designed perspex panels which will accommodate interchangeable advertising on the front and sides of the black litter bins, and the content of adverts will be vetted and agreed by the City Council. Although the colour and text of the adverts will vary, the overall height of the signs will be below eye level within the commercial centre and as such would not be adverse in the context of the street scene. Furthermore it is also acknowledged that the display of the signs are fully reversible and like all advertisements the consent expires following five years from the date of installation, in which case a further application would be required to be submitted, allowing due consideration to be given to the impacts which may or may not arise.

7.6 It is noted that pre-application advice was provided by the Conservation Officer who expressed a preference for the size and number of the panels to be reduced and that no advertisements should be located within more sensitive areas such as Dalton Square. Revised plans have subsequently removed the signage from Dalton Square. The possibility of a reduction in the size and number of the panels was explored, however the bins which contain the advert panels are a standard format rather than bespoke and therefore this was not a feasible option. Taking these matters into consideration, on balance for the reasons outlined in paragraph 7.5 it is considered that the proposal is acceptable in terms of visual amenity.

7.7 Highway Safety

When assessing advertisement applications, local planning authorities have to always consider the

public safety implications arising from signage. In this instance the largely pedestrianised nature of the city centre and limited traffic movements that ensue means that there is no perceived danger to road users. County Highways confirm this to be the case in their consultation response.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposal is linked to recent works of improvement in the city centre which have been implemented through the Square Routes project. Based on the above considerations and taking into account the wider aims for the city centre, it is recommended that Advertisement Consent can be supported, subject to the following conditions:

Recommendation

That Advertisement Consent **BE GRANTED** subject to the following conditions:

1. Standard Advertisement Timescale – 5 years
2. Amended plans
2. Advertisements to accord with the approved plans
3. Standard Advertisement condition - owners consent to display
4. Standard Advertisement condition - signs not to endanger highway, railway etc
5. Standard Advertisement condition - maintenance of advertisements
6. Standard Advertisement condition - advertisements should not endanger the public
7. Standard Advertisement condition - where signs to be removed, site is left in a good condition

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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 A18	Committee Date 2 March 2015	Application Number 14/01319/LB
Application Site Lancaster Museum Market Street Lancaster Lancashire	Proposal Listed Building Application for replacement of rainwater goods	
Name of Applicant Mr Francis Sedgwick	Name of Agent Design Group - Projects Team	
Decision Target Date 30 January 2015	Reason For Delay Committee Cycle	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approve subject to referral to the National Casework Unit	

(i) Procedural Matters

The application is one which would normally be dealt with under delegated powers but has been placed on committee as the building is in the ownership of Lancaster City Council.

1.0 The Site and its Surroundings

- 1.1 Lancaster City Museum, known to many as the Old Town Hall, is located on the westernmost part of Market Square overlooking the existing fountain and public seating area in the City centre of Lancaster. The rear of the Museum is accessed from New Street. The building was constructed between 1781 and 1783 and was further restored in 1873, later being converted from the Old Town Hall to Lancaster Museum in 1923. The building is an elegant Georgian building, two storeys above basement and is constructed in sandstone ashlar with a natural slate roof and a cupola. The principle façade facing east is made up of five bays separated by giant Tuscan columns and has a rusticated ground floor, with round arched windows with glazing bars and a central round arched doorway. A projecting Tuscan portico is raised on four steps which lead to Market Square.
- 1.2 Other than parking for disabled badge holders being available in the Square, the area, along with Market Street and New Street, is designated a pedestrian zone
- 1.3 Lancaster Museum is a Grade II* Listed Building attached to the Grade II listed Library building to the north. The site is located within the Lancaster Conservation Area.

2.0 The Proposal

- 2.1 The application proposes the replacement of the internal drainage system with external cast-iron rainwater goods. The proposed cast iron rainwater goods comprise rectangular section downpipes (approximately 100mm by 75mm) and ornamental cast iron hopper heads (approximately 300mm by 200mm by 250mm). New lead guttering will also be formed in place of existing within the roof of the building behind the parapet wall.

3.0 Site History

- 3.1 There is a considerable amount of planning history which relates to Lancaster City Museum, most of which seeks Listed Building Consent for minor internal and external alterations. However, none of these has a direct relevance to the proposed works contained within this application. Most recent applications being:

Application Number	Proposal	Decision
14/00603/LB	Listed building application for the display of 2 externally displayed suspended banners to the front elevation	Permitted
14/00600/ADV	Advertisement Consent for the display of 2 externally displayed suspended banner signs to front elevation	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Team	No objections subject to conditions – Provided pre-application advice.
English Heritage	No objections

5.0 Neighbour Representations

- 5.1 No correspondence has been received at the time of compiling this report. Any comments subsequently received will be reported verbally.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
Paragraph 17 – Core Principles
Paragraphs 56, 58, 61, 64 – Good Design
Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment
- 6.2 Lancaster District Core Strategy (adopted July 2008)
SC1 – Sustainable Development
- 6.3 Development Management DPD
DM30 – Development affecting Listed Buildings
DM35 – Key Design Principles

7.0 Comment and Analysis

- 7.1 The key issues to consider in determining this Listed Building application is whether the proposal is considered acceptable in terms of its impacts upon the historic fabric and architectural merit of the Grade II* Listed Building.
- 7.2 The existing lead rainwater goods are located inside the external walls of the building and are inaccessible for maintenance purposes. Furthermore the rainwater goods have perished over time and as a consequence rainwater ingress has caused extensive damage (including dry rot) to the internal and external masonry and ceilings and roof structure of the building. Some exhibits held within the museum have also been damaged. The works are therefore considered vital for the long term preservation of the building. Although the options of repair to the existing system were explored by the agent this work was considered too intrusive on the fabric of the listed building.
- 7.3 The proposed works will involve the addition of a total number of six downspouts which will be fixed to discreet points within the sides and rear of the building. A softwood base with a “penny” space on the underside of the new lead guttering will be installed in place of existing behind the parapet wall. The softwood base will reduce the likelihood of lead corrosion and further extend its

life. Rainwater will be directed from the guttering by core drilling the stone and the insertion of spigots which will direct water flow to the new cast iron hoppers and downspouts which will be fixed to external elevations. These will feed into new rain water drainage gulleys which have already been installed in the location of the proposed pipes as part of the recent public realm works in Market Street and Market Square.

7.4 The new external downpipes will clearly be visible on the rear and side elevations and this will of course impact on the appearance of the building. In addition, their installation will require the cutting out of part the stone in the external cornices and moulded string courses. Paragraph 134 of the NPPF is therefore relevant and states that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

7.5 It is considered that the proposed works will have a less than substantial harm on this listed building that the works will assist in the long term preservation of the building. The new drainage arrangement will have the additional benefit of allowing long term access for repair and maintenance. It is therefore considered the less than substantial harm is offset by the benefits to the building fabric.

8.0 Planning Obligations

8.1 None

9.0 Conclusions

9.1 In conclusion, it is considered that this proposal represents a relatively minor scheme which will have positive benefits for the listed building. The works will not adversely affect the character of the listed building and will comply with the requirements of Policy DM30 of the Development Plan Document. Furthermore the scheme has been assessed against paragraph 134 of the NPPF and is considered to be acceptable. As such the Members are therefore advised that this scheme can be supported subject to referral of the application to the National Casework Unit as it involves a Grade II* listed building and the City Council is the applicant.

Recommendation

That subject to referral arrangements with the National Casework Unit, Listed Building Consent be **GRANTED** subject to the following conditions:

1. Standard Listed Building time limit
2. Development to accord to approved plans
3. New gutter boards are to be preservative treated softwood with ‘penny gaps’
4. All external rainwater pipes and hoppers are to be painted black
5. Moulded cornices and string courses to be made good as specified in Longridge sandstone
6. Incisions to the string course on the 1783 building to include a gap between the pipes and stonework

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has considered the application as submitted and has visited the site, and it is able to conclude that the proposal is one that can be proactively supported without any amendments being necessary.

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 A19	Committee Date 2 March 2015	Application Number 14/01164/LB
Application Site Flat 2 1 Water Street Lancaster Lancashire	Proposal Listed building application for the installation of an air circulation system	
Name of Applicant Lancaster City Council	Name of Agent	
Decision Target Date 11 March 2015	Reason For Delay None	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approve subject to referral to the National Casework Unit	

(i) Procedural Matters

This application is presented to the Committee because the property is in Council ownership.

1.0 The Site and its Surroundings

- 1.1 The property is a ground floor flat within a late 18th-century Georgian townhouse which is located on the northern periphery of the City Centre. The building has a stone under slate exterior, sash windows with stone surrounds with a smooth render finish to the rear (northern elevation) and occupies a corner position at the junction of Water Street and Cable Street.
- 1.2 The buildings to the immediate west and north of the site are also in residential use. Lancaster Bus Station lies to the south of the site and a large supermarket is situated to the east. Cable Street which runs to the south of the building is part of the main gyratory route through Lancaster.
- 1.3 The building is Grade II listed and also lies with the Lancaster Conservation Area.

2.0 The Proposal

- 2.1 Listed building consent is sought for the installation of an air circulation system to the flat and will involve the positioning of an external vent plate on the rear (northern) elevation of the property. The vent will comprise a plastic grille and will have dimensions of 155mm by 155mm with a 42mm projection and will be positioned in line with the ground floor window surround. The external vent will cover a 110mm hole that will be drilled to accommodate a pipe which forms part of the ventilation system and connect internally to a small wall mounted system.

3.0 Site History

- 3.1 There is no recent planning history associated with this property.

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No objections subject to a condition regarding the colour of the external vent.

5.0 Neighbour Representations

5.1 No correspondence has been received in response to the site notice at the time of compiling this report. Any comments subsequently received will be reported verbally.

6.0 Principal National and Development Plan Policies6.1 National Planning Policy Framework (NPPF)

Paragraph 17 – Core Principles

Paragraphs 56, 58, 61, 64 – Good Design

Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

6.3 Development Management DPD (DM DPD)

DM30 – Development affecting Listed Buildings

DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The key issues to consider in determining this Listed Building application is whether the proposal is considered acceptable in terms of its impacts upon the historic fabric and architectural merit of the Grade II Listed Building.

7.2 The air ventilation system is necessary to address severe condensation problems within the flat. If this issue is not addressed it is likely to result in detrimental impacts to the fabric of the building in addition to the health of the occupants.

7.3 Externally it is considered that the vent will have a minimal visual impact and will reflect the appearance of a similar vent to the flat above. Plastic is to be utilised as this will reduce the risk of corrosion and streaking down the façade of the building which can sometimes occur when metal fixtures are used. The applicant has agreed that the vent will be beige-coloured in order to blend with the adjacent render. The system is designed to eradicate condensation problem within the flat.

8.0 Planning Obligations

8.1 None

9.0 Conclusions

9.1 In conclusion, it is considered that this proposal represents a minor scheme which will have positive benefits for the listed building and its occupants. The works will not adversely affect the character of the listed building and are considered sympathetic and on this basis that Members are advised that this application can be supported.

Recommendation

That subject to referral arrangements with the National Casework Unit, Listed Building Consent be **GRANTED**

subject to the following conditions:

1. Standard Listed Building time limit
2. Development to accord to approved plans
3. Colour of external vent to be beige.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has considered the application as submitted and has visited the site, and it is able to conclude that the proposal is one that can be proactively supported without any amendments being necessary.

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.

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
14/00174/DIS	Willow Cottage, Main Street, Arkholme Discharge of condition 3 on previously approved 13/01208/LB for Mr Richard Clark (Kellet Ward)	Initial Response Sent
14/00176/DIS	Basin Bridge, Aldcliffe Road, Lancaster Discharge of conditions 6, 7 and 9 on approved application 13/00962/CU for Mr Peter Callingham (Ward)	Initial Response Sent
14/00178/DIS	Old Hall Cottages, Kellet Road, Over Kellet Discharge of condition 4 on approved application 14/00935/LB for Mr G B Metcalfe (Kellet Ward)	Application Permitted
14/00605/FUL	Lancaster Golf Club, Ashton Road, Ashton Erection of a structure for energy plant room for Lancaster Golf Club (Ellel Ward)	Application Refused
14/00815/FUL	Royal Hotel , 15 Emesgate Lane, Silverdale Change of use of hotel (C1) to two dwellinghouses (C3), and mixed use public house/cafe (A3/A4) with associated landscaping, parking and new access. for Holgates Silver Ridge Ltd. (Silverdale Ward)	Application Permitted
14/01026/FUL	Tanner Bank, Farleton Old Road, Farleton Erection of a detached bungalow for Natfarm Ltd. (Lower Lune Valley Ward)	Application Permitted
14/01061/FUL	25 Newsham Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr Robert Birchall (Scotforth West Ward)	Application Permitted
14/01093/LB	Low Hall Cottage, Main Street, Whittington Listed building application for replacement windows to the front, side and rear elevation, removal of 1 porch and replacement of a second porch, removal of external door, replacement of window with door, replacement of a further external door with a new door, removal of existing attached stores and insertion of new door in remaining single storey side projection, relocation of the existing internal staircase and first floor partition walls, installation of a new roof to single storey side projection, installation of a new soil and vent pipe, part demolition of existing boundary wall and construction of new side boundary wall for Mr Deighan OSullivan (Upper Lune Valley Ward)	Application Permitted
14/01115/FUL	Bond Gate Farm, Abbeystead Road, Dolphinholme Erection of agricultural building for Mr Iain Collinson (Ellel Ward)	Application Permitted
14/01131/FUL	Bridge Barn, Wennington Road, Tatham Erection of a single storey side extension with flue, 2 freestanding wood stores and installation of solar panels on the south east (front) facing roof for Jan Bastiaan (Lower Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01141/CU	43 Main Road, Nether Kellet, Carnforth Change of use of agricultural buildings to a 2-bed dwellinghouse (C3), erection of a single storey link and creation of 2 parking spaces for Mr Joe Moore (Kellet Ward)	Application Permitted
14/01142/LB	43 Main Road, Nether Kellet, Carnforth Listed building application for works to facilitate the change of use of agricultural buildings to a 2-bed dwellinghouse (C3) and erection of a single storey link for Mr Joe Moore (Kellet Ward)	Application Permitted
14/01157/CU	4 Scotland Road, Carnforth, Lancashire Change of use of offices (B1) to a tattoo shop (Sui Generis) for Mrs Kelly Gorman (Carnforth Ward)	Application Permitted
14/01170/FUL	The Willows, Starbank, Bay Horse Erection of a single storey rear extension for Mr Andrew Radcliffe (Ellel Ward)	Application Permitted
14/01171/LB	6 Campbell House, Campbell Drive, Lancaster Listed Building application for the erection of fencing and decking for Ms Lisa Baxter (Bulk Ward)	Application Withdrawn
14/01172/FUL	Top Moor, The Gars, Wray Erection of a two storey dwelling on land to the rear for Mr & Mrs L Taylor (Lower Lune Valley Ward)	Application Permitted
14/01174/LB	Caterleisure Ltd Platform 3, Castle Station, Westbourne Road Listed building application for internal alterations to existing shop, alterations to existing sign and installation of a non-illuminated sign for (Castle Ward)	Application Permitted
14/01178/VCN	Unit 2, Hilmore Way, Morecambe Erection of two non food retail units and a combined leisure/retail unit (pursuant to the variation of condition 5 on approved application 05/00929/FUL to allow the sale of non-food goods by catalogue showroom retailer from 185sq.m of the D.I.Y store sales area in Unit 2) for Home Retail Group (Harbour Ward)	Application Permitted
14/01188/FUL	Lunecliffe Barn, Lunecliffe Road, Lancaster Erection of two holiday cottages with associated access track and parking for Mr & Mrs David and Sarah Watson (Scotforth West Ward)	Application Withdrawn
14/01191/CU	Lunecliffe Barn, Lunecliffe Road, Lancaster Change of use of existing barn to form one dwelling (C3) for Mr & Mrs David & Sarah Watson (Scotforth West Ward)	Application Refused
14/01192/FUL	9 Moor Platt, Caton, Lancaster Erection of a rear conservatory for Mr Derek Wensley (Lower Lune Valley Ward)	Application Permitted
14/01197/FUL	Bank House, Borwick Road, Borwick Erection of a part single and part two storey front and side extension and installation of replacement windows to all elevations for Mr & Mrs R Bowker (Kellet Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01200/FUL	4 High Court, Morecambe, Lancashire Raising the existing roof to create an additional storey, construction of a dormer to the side elevation and installation of a raised deck following demolition of existing rear porch for Mr Karl Howard (Torrisholme Ward)	Application Permitted
14/01201/FUL	9 Haverthwaite Avenue, Heysham, Morecambe Installation of clear glazed, side facing windows within the existing dormer for Mr & Mrs Berry (Heysham South Ward)	Application Refused
14/01216/FUL	44 Westbourne Road, Lancaster, Lancashire Demolition of existing detached garage and erection of a new detached garage to the rear for Mr Dennis Talbot (Castle Ward)	Application Permitted
14/01227/FUL	4 Lancaster Road, Caton, Lancaster Erection of a lean-to conservatory to the rear for Mr G Macdonald (Lower Lune Valley Ward)	Application Permitted
14/01232/FUL	82 Michaelson Avenue, Morecambe, Lancashire Erection of a detached garage to the rear for Mr Michael Callin (Torrisholme Ward)	Application Permitted
14/01233/FUL	Bowker Ltd, Whitegate, White Lund Estate Erection of a single storey extension to existing industrial unit with the creation of 12 additional parking spaces for Chris Bowker Ltd (Westgate Ward)	Application Permitted
14/01238/FUL	6 Sidney Terrace, Lancaster, Lancashire Erection of a first floor extension over existing kitchen, and erection of a new single-storey rear extension for Mr Tareeq Ahmed (Bulk Ward)	Application Permitted
14/01241/FUL	16 Priorsgate, Morecambe, Lancashire Creation of a new vehicular access to the rear onto Oxcliffe Road for Mrs A Miller (Westgate Ward)	Application Permitted
14/01242/RCN	7 The Old Granary, Middle Highfield, Aughton Change of use and conversion of redundant agricultural buildings to form five dwellings, garages and holiday cottage (pursuant to the removal of condition 17 on planning permission 02/00580/CU to allow the holiday cottage to be used as a dwelling for a family member) for Mr Stephen Wojciechowicz (Halton With Aughton Ward)	Application Refused
14/01246/FUL	43 Norton Road, Heysham, Morecambe Erection of a single storey side and rear extension for Mr D. Binns (Heysham Central Ward)	Application Permitted
14/01247/ADV	22 Glentworth Road West, Morecambe, Lancashire Advertisement application for the display of two internally illuminated fascia signs for Food Programme Delivery Orchid Group (Westgate Ward)	Application Permitted
14/01249/FUL	17 Wyresdale Crescent, Glasson Dock, Lancaster Erection of external decking and privacy screen to rear for Mr & Mrs Marshall (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01250/FUL	15 Caton Green Road, Brookhouse, Lancaster Construction of a side dormer extension for Mrs I. Bargh (Lower Lune Valley Ward)	Application Permitted
14/01252/FUL	2 Swallow Wharf, Troutbeck Road, Lancaster Alterations to existing garage to create additional living accommodation for Mr & Mrs M Ostermeyer (Bulk Ward)	Application Permitted
14/01254/FUL	15 Malvern Avenue, Lancaster, Lancashire Erection of a first floor side extension for Mr David Harman (Scotforth West Ward)	Application Permitted
14/01257/VCN	Sunningdale, Milnthorpe Road, Yealand Conyers Retrospective application for the conversion of existing outbuildings to ancillary accommodation associated with the existing dwelling (pursuant to the variation of conditions 2 on planning permission 14/00413/FUL to allow the ancillary accommodation to be used as a holiday let) for Mr D Richardson (Silverdale Ward)	Application Permitted
14/01259/CU	9 Common Garden Street, Lancaster, Lancashire Change of use from dry cleaners (A1) to fish and chip shop (A5) for Ashby Properties Ltd (Dukes Ward)	Application Permitted
14/01260/ADV	3 - 5 Market Street, Lancaster, Lancashire Advertisement consent for the display of an externally illuminated fascia sign and a non-illuminated hanging sign for Mr Steve Mallinson (Dukes Ward)	Application Permitted
14/01269/LB	17 The Row, Silverdale, Carnforth Listed building application for the replacement of a door with a window to the rear elevation and one replacement window for Mr Terence Murphy (Silverdale Ward)	Application Permitted
14/01272/FUL	54 Hornby Road, Caton, Lancaster Erection of a carport and porch to the front and side for Mr Brian Horner (Lower Lune Valley Ward)	Application Permitted
14/01273/ELDC	144 Westminster Road, Morecambe, Lancashire Existing Lawful Development application for the use of property as 3 self-contained flats for Mr And Mrs Wood (Heysham North Ward)	Lawful Development Certificate Granted
14/01279/CU	12 Poulton Square, Morecambe, Lancashire Change of use of ambulance storage garages (B8) to three 2-bed dwellings (C3) with associated gardens and car parking for Mr Peter Reynolds (Poulton Ward)	Application Permitted
14/01282/FUL	Linden Hall, Borwick Road, Borwick Erection of an orangery to the rear for Mr A Brakewell (Kellet Ward)	Application Permitted
14/01287/FUL	Tequesta, Lancaster Road, Caton Demolition of existing rear conservatory and erection of a single storey rear extension, construction of a dormer to the rear and replacement of garage door with a window for Mrs Annie Maudsley (Lower Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01290/FUL	320 - 323 Marine Road Central, Morecambe, Lancashire Removal of existing external staircase and construction of new stairs, external seating area and installation of sliding/folding doors to the front elevation for Mr Paul Bury (Poulton Ward)	Application Permitted
14/01291/FUL	14 Greaves Drive, Lancaster, Lancashire Erection of a two storey side extension for Mr Barry Clark (Scotforth West Ward)	Application Permitted
14/01292/FUL	27 Newmarket Avenue, Lancaster, Lancashire Demolition of existing garage and erection of a replacement double garage to the side for Mr M Eyre (Scotforth East Ward)	Application Permitted
14/01296/FUL	12 Cove Drive, Silverdale, Carnforth Erection of single storey side extension for Mr R Lee (Silverdale Ward)	Application Refused
14/01298/PLDC	2 Warley Drive, Morecambe, Lancashire Proposed Lawful Development application for the erection of a single storey rear extension for Mr Steve Davis (Torrisholme Ward)	Lawful Development Certificate Granted
14/01299/FUL	Dolphinholme C Of E School, Abbeystead Lane, Dolphinholme Erection of a single storey extension to form a new pre-school classroom for Little Dolphins Pre-School (Ellel Ward)	Application Permitted
14/01310/FUL	37 Brook Road, Morecambe, Lancashire Erection of a single storey side extension for Mr M Rhodes (Heysham North Ward)	Application Permitted
14/01311/FUL	12 Towpath Walk, Carnforth, Lancashire Erection of a two storey rear extension for Mr M Rogerson (Carnforth Ward)	Application Permitted
14/01312/PLDC	6 Hala Crescent, Lancaster, Lancashire Proposed Lawful Development Application for a hip to gable roof extension and a rear dormer for Mr John Marsh (Scotforth East Ward)	Application Permitted
14/01314/LB	Middle Salter, Hornby Road, Roeburndale Listed building application for alterations to provide a rear door opening and patio area to the main dwelling and alterations to form bedroom at first floor level with window modifications on the attached barn for Mr And Mrs Woodhouse (Lower Lune Valley Ward)	Application Permitted
14/01317/FUL	15 Clougha Avenue, Halton, Lancaster Demolition of existing single storey rear extension and erection of a replacement two storey extension. for Mr & Mrs Urbaniak (Halton With Aughton Ward)	Application Permitted
14/01318/FUL	47 Rosebery Avenue, Lancaster, Lancashire Retrospective application for the erection of a replacement shed to the rear for Mr C Taylor (Scotforth West Ward)	Application Permitted
14/01320/FUL	1 Hatlex Drive, Hest Bank, Lancaster Erection of a two storey rear extension and new vehicular access for Mr And Mrs D Bird (Slyne With Hest Ward)	Application Permitted
14/01321/FUL	18 Bateman Road, Morecambe, Lancashire Erection of part single storey and part two storey side extension for Dr Trevor Shackleton (Poulton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01327/FUL	8 Bradshaw Street, Lancaster, Lancashire Demolition of existing rear extension and erection of a replacement two storey extension for Mr Peter Mercer (John O'Gaunt Ward)	Application Permitted
14/01330/LB	48 King Street, Lancaster, Lancashire Listed building application for replacement windows and repositioning of 1 rooflight and erection of internal partition walls for Mr Gary Tang (Dukes Ward)	Application Permitted
14/01332/FUL	5 Westfield Hamlet, Nether Kellet, Carnforth Installation of 1 rooflight to the front roofslope, 1 rooflight to the rear roofslope, 1 replacement rooflight to the rear roofslope and 1 rooflight to the rear lean to extension roof for Mr A Wilkinson (Kellet Ward)	Application Permitted
14/01339/FUL	Far Lodge, Postern Gate Road, Quernmore Change of use of two holiday cottages to unrestricted residential occupancy for Mr David Gardner (Lower Lune Valley Ward)	Application Refused
14/01346/LB	Wennington Old Farm, Wennington Road, Tatham Listed building application for the installation of a biomass boiler and flue pipe into existing detached garage for Mr & Mrs R Emmett (Lower Lune Valley Ward)	Application Permitted
14/01361/FUL	33 Norton Road, Heysham, Morecambe Conversion of existing garage to form bedroom for Mr Thomas Kelly (Heysham Central Ward)	Application Permitted
14/01364/CU	Springfield, Bay Horse Road, Ellel Change of use of dwellinghouse (C3) to a children's care home (C2) (resubmission of 14/00993/CU) for Ms Nongnut Wareing (Ellel Ward)	Application Permitted
14/01368/FUL	Silverdale Golf Club, Red Bridge Lane, Silverdale Erection of a timber framed golf teaching bay (resubmission of approved application 13/01273/FUL) for Silverdale Golf Club (Silverdale Ward)	Application Permitted
14/01371/NMA	51 - 52 Sandylands Promenade, Heysham, Morecambe Non-material amendment to approved application 11/00840/FUL to infill a window opening with bricks to match existing wall for Miss Janet Hampson (Heysham North Ward)	Application Permitted
14/01372/NMA	Kellet Road Industrial Estate, Kellet Road, Carnforth Non-material amendment to approved application 13/01161/VCN to alter the proposed materials to match adjacent buildings for Strong Developments Ltd (Carnforth Ward)	Application Permitted
14/01378/NMA	Schola Green, Schoolhouse Lane, Halton Non-material amendment to approved application 14/00886/FUL to reduce the floor area of approved single storey rear extension for Dr M Wong (Halton With Aughton Ward)	Application Permitted
15/00001/DIS	Barnes End, Long Lane, Quernmore Discharge of conditions 4, 5, 6 and 7 on previously approved application 14/00243/FUL for Mr Mark Parsonage-Kear (Lower Lune Valley Ward)	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

15/00002/DIS	Barnes End, Long Lane, Quernmore Discharge of conditions 4, 5, 6 and 7 on previously approved application 14/00244/LB for Mr Mark Parsonage-Kear (Lower Lune Valley Ward)	Initial Response Sent
15/00003/DIS	Barnes End, Long Lane, Quernmore Discharge of conditions 3, 4, 5, 6 and 7 on previously approved application 14/00245/LB for Mr Mark Parsonage-Kear (Lower Lune Valley Ward)	Initial Response Sent
15/00007/CCC	Arkholme Church Of England Primary School, Main Street, Arkholme Proposed modular building for an additional classroom for Mrs Joy Ingram (Kellet Ward)	Application Permitted
15/00015/DIS	Derelict Canal Side Barn, Kellet Lane, Over Kellet Discharge of conditions 2 and 6 on prior approval 14/00953/PAA for Ms Zoe Jones (Ward)	Request Completed
15/00020/NMA	18 Wyresdale Gardens, Lancaster, Lancashire Non material amendment to approved application 13/01194/FUL to reduce the size of extension and omit art stone window cills and heads for Mr Brian Davies (John O'Gaunt Ward)	Application Permitted
15/00024/PAD	Pavilion Cafe Ryelands Park, Owen Road, Lancaster Prior approval for the demolition of redundant pavilion for Mr Geoff Jackson (Skerton East Ward)	Prior Approval Not Required
15/00044/CCC	Morecambe Road School, Morecambe Road, Morecambe Alterations to existing car parking and drop off area for Lancashire County Council (Torrisholme Ward)	No Objections
15/00061/NMA	Land South Of, King Street, Morecambe Non-material amendment to approved application 14/01161/VCN to alter the location of the footprints of units 7, 8, 9 and 10 for Milli Developments Ltd. (Poulton Ward)	Application Permitted
15/00069/NMA	Land East Of Coastal Road, Coastal Road, Bolton Le Sands Non material amendment to planning permission 13/00029/FUL to amend house types on plots 6 - 11 and plots 19-34 for Oakmere Homes Ltd (Slyne With Hest Ward)	Application Permitted
15/00110/NMA	Lancaster University, Bailrigg Lane, Lancaster Non-material amendment to planning permission 13/01080/FUL to relocate the ventilation louvres and windows on the south elevation, relocate entrance door on the north elevation, remove aluminium floor slab edge flashings, and replace glass reinforced concrete cladding with 3 storey brickwork piers for Mr Mark Swindlehurst (University Ward)	Application Permitted
15/00121/NMA	9-13 Victoria Street, Morecambe, Lancashire Non material amendment to planning permission 14/00508/FUL for alterations to the shop front for Mr Bryan Milner (Poulton Ward)	Application Permitted
15/00128/NMA	Faraday Building, Physics Avenue, Lancaster University Non-material amendment to planning permission 13/01061/FUL to insert an additional external door to the east elevation and raising a small section (4.3m by 4.7m) of the existing flat roof by 1.3m for Lancaster University (University Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00151/NMA	Street Record, Brindle Close, Lancaster Non-material amendment to planning permission 14/01018/FUL for the re-positioning of plots for Guinness Northern Counties (Skerton West Ward)	Application Permitted
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