



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: TUESDAY, 7 APRIL 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 application number.

1 Apologies for Absence

2 Minutes

Minutes of meeting held on 2 March 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 14/01236/FUL	Anchor Building, 1 Penrod Way, Heysham	Heysham South Ward	(Pages 1 - 7)
		Resubmission of planning application 13/01048/FUL for the erection of a two storey extension and extension to parking area and erection of security fencing (part retrospective) for Mrs Jane Watson		
6	A6 14/01277/FUL	49 China Street, Lancaster	Duke's Ward	(Pages 8 - 14)
		Erection of a three storey building for mixed use comprising of ground floor shop/offices with two 2-bed flats (C3) above for Ashby Properties		
7	A7 14/01278/LB	49 China Street, Lancaster	Duke's Ward	(Pages 15 - 17)
		Listed building application for the erection of a three storey building for mixed use comprising of ground floor shop/offices with two 2-bed flats above for Ashby Properties		
8	A8 14/00907/FUL	Arna Wood Farm East, Arna Wood Lane, Lancaster	Scotforth West Ward	(Pages 18 - 29)
		Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm for Mr Robert Ayres		
9	A9 15/00058/VCN	Land East of Coastal Road, Coastal Road, Bolton Le Sands	Slyne-with-Hest Ward	(Pages 30 - 35)
		Erection of 37 dwellinghouses with associated new access and landscaping (pursuant to the variation of condition 2 on planning permission 13/00029/FUL to amend		

house types on plots 12, 13, 14, 15, 16, 17, 18, 35, 36 and 37) for Oakmere Homes Ltd.

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|-----------|-------------------------|---|-------------------------------|------------------------|
| 10 | A10 14/01309/VCN | 119 Main Road, Bolton Le Sands | Bolton-Le-Sands Ward | (Pages 36 - 42) |
| | | Construction of 12 apartments (pursuant to the variation of condition 3 by way of amended plans and the removal of conditions 4 and 5 in relation to affordable housing provision and removal of conditions 6 and 7 in relation to sheltered accommodation for people over 55 years on previously approved application 11/01037/RENU) for Daffodil Homes Ltd | | |
| 11 | A11 14/01080/CU | Lentworth Hall Farm, Abbeystead Road, Abbeystead | Ellel Ward | (Pages 43 - 49) |
| | | Change of use and conversion of existing redundant barn to agricultural workers dwelling (C3) for Mr and Mrs Entwistle | | |
| 12 | A12 14/01088/CU | New Inn, Hornby Road, Wray | Lower Lune Valley Ward | (Pages 50 - 56) |
| | | Change of use and conversion of vacant public house (Class A4) to 3 residential units (Class C3) and installation of balcony and stairs to rear of existing attached cottage for Mr Richard Skelton | | |
| 13 | A13 14/01089/LB | New Inn, Hornby Road, Wray | Lower Lune Valley Ward | (Pages 57 - 60) |
| | | Listed Building application for works to New Inn and attached cottage to facilitate the conversion of the public house to 3 residential units, including demolition of flat roof extension, replacement windows and doors, installation of roof lights, erection of stone wall and porch canopy and creation of balcony and stairs to rear of existing cottage for Mr Richard Skelton | | |

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|-----------|---|---|-------------------------------|------------------------|
| 14 | A14 14/01030/FUL | Agricultural Building Adj Disused Railway, Station Road, Hornby | Upper Lune Valley Ward | (Pages 61 - 68) |
| | | Erection of 9 dwellings and associated access for Mr Ian Beardsworth | | |
| 15 | A15 14/01063/HS | Heysham Power Station, Princess Alexandra Way, Heysham | Overton Ward | (Pages 69 - 71) |
| | | Hazardous substances consent for the storage of various gases for Nick Cofield - EDF Energy | | |
| 16 | A16 14/01289/FUL | Land Adjacent to Westgate and Heysham Railway Branch Line, Westgate, Morecambe | Westgate Ward | (Pages 72 - 83) |
| | | Erection of 90 residential units with an associated access off Westgate for Chorley Community Housing | | |
| 17 | Delegated Planning Decisions (Pages 84 - 90) | | | |

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, Mike Greenall, Tim Hamilton-Cox, Richard Newman-Thompson, David Smith, Keith Sowden, Susan Sykes and Malcolm Thomas

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services: telephone (01524) 582132 or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone (01524) 582170, or email memberservices@lancaster.gov.uk.

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

Published on Tuesday, 24 March 2015.

<p>Agenda Item A5</p>	<p>Committee Date 7 April 2015</p>	<p>Application Number 14/01236/FUL</p>
<p>Application Site Anchor Building 1 Penrod Way Heysham Morecambe</p>	<p>Proposal Resubmission of planning application 13/01048/FUL for the erection of a two storey extension and extension to parking area and erection of security fencing (part-retrospective)</p>	
<p>Name of Applicant Mrs Jane Watson</p>	<p>Name of Agent JMP Architects Ltd</p>	
<p>Decision Target Date 9 January 2015</p>	<p>Reason For Delay Deferred at February Committee</p>	
<p>Case Officer</p>	<p>Mrs Eleanor Fawcett</p>	
<p>Departure</p>	<p>None</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request was initially made by Councillor Sowden for the application to be determined by the Planning Committee. The reason for the request relates to concerns regarding impact on residential properties due to the enlargement of the working area, a history of anti-social activities in the area by truck drivers and impacts from diesel fumes and also concerns regarding contaminated land.

The application was deferred at the Planning Committee in February 2015 to allow discussions to be undertaken with the applicant in relation to the restrictions on vehicle movements at the site. It was also considered that this would allow an opportunity for Members to visit the site.

1.0 The Site and its Surroundings

1.1 This application relates to an industrial unit accessed off Penrod Way, close to Heysham Port. The site is currently occupied by a warehouse with associated yards and car parking. The existing development is focused towards the north of the site with a large open area to the south consisting of low level vegetation. Part of this area has now been surfaced following a recent consent for an extension to the parking area and the creation of a lorry park. There is a row of residential properties to the east on Moneyclose Lane. One of these is used as a guest house and one is divided into flats. To the north, west and east of the building on the site are other industrial units. The site is identified on the proposals map as being within the Port of Heysham Industrial Estate. Approximately 340m to the north west is Morecambe Bay which is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site.

2.0 The Proposal

2.1 This application is a resubmission of a previously-approved scheme for the erection of a two-storey extension to the building, an extension to the car parking area, the creation of an additional lorry parking area and the erection of security fencing and gates. The extension to the building is to provide additional warehousing and office space with a new covered canopy to the main entrance. The extended car park will allow for 20 spaces in total and the lorry park will provide space for 6

lorries.

3.0 Site History

3.1 The relevant planning history is set out below:

Application Number	Proposal	Decision
13/01048/FUL	Erection of a two storey extension and extension to parking area	Approved
11/01036/FUL	Installation of solar photovoltaic panels to roof	Approved
07/00103/FUL	Erection of 15 m flexicell macro column with antennas and 3 equipment cabinets along with ancillary development	Approved
01/01303/FUL	Modification of condition 19 on permission 01/00751/FUL relating to hours of operation	Approved
01/00751/FUL	Erection of a warehouse building with associated parking and delivery bays and landscaping	Approved

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 within statutory consultation period.
Environmental Health	Hours of construction condition required. Confirmed that the comments made on the previous application, requiring an unforeseen contamination condition, still apply and advise the developer that the proposed radon membrane is well installed, well detailed and validated and furthermore is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building.
Tree Protection Officer	No objection subject to conditions requiring: no tree within the site or on any immediately adjacent property to be cut-down, up-rooted etc without consent; and submitted landscape scheme and 10 year maintenance regime to be implemented in full.
County Highways	No objection.
County Council Minerals Planning	No comments received within statutory consultation period.

5.0 Neighbour Representations

5.1 6 pieces of correspondence have been received which raise the following concerns:

- Increase in vehicle noise due to running engines, reversing alarms and refrigeration units
- Loss of privacy from trucks parked on hard standing
- Loss of visual amenity and outlook from neighbouring properties due to height of hard standing
- Impact on amenity of area as a result of drivers remaining in or congregating near vehicles over night
- Unlikely that any proposed screening would mitigate the negative impact on the residential properties
- Loss of green space
- Likely that the additional parking area would be used for commercial vehicles
- Increase of additional 18 car parking spaces and cannot be justified given that staff numbers are not expected to rise by more than four additional staff.
- Existing contamination on the site has not been fully considered
- Impact on wildlife
- Impact on adjacent guest house
- Increase in out of hours activity
- Increase in air pollution detrimental to health
- Increase in pollution from rubbish left by lorry drivers
- Inaccuracies in the application form

- Restrictions in relation to operating hours imposed on the original consent for the site are often breached
- Impact on safety for children

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 19 – Supporting Economic Growth
Paragraph 32 – Access and Transport
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraphs 120 -123 – Pollution including noise and land contamination
Paragraph 118 - Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
ER3 – Employment Land Allocations

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

EC5 – Employment Areas
EC10 – Port of Heysham

6.4 Development Management Development Plan Document

DM15 – Employment Premises
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The main issues are:

- Design, appearance and impact on character of the area
- Impact on residential amenity
- Highways Impacts
- Contaminated land
- Ecology

7.2 Design, appearance and impact on character of the area

7.2.1 The proposed extension to the building will be on the northern elevation, infilling a gap on the north west corner. It will be 18.4m wide, 11.7m deep and have a ridge height slightly lower than that of the existing building. The building will be clad in composite panels with the walls finished in merlin grey and the roof in a lighter, goosewing grey to replicate the colour of the existing roof. The walls of the existing building are finished in a cream colour. The extension will be distinct from the existing building, however, the chosen colour will be quite dark and is considered to be appropriate in this location. It is of an appropriate scale and design and will not have an adverse impact on the appearance of the building or the character of the area. A small canopy/screen is proposed at the entrance on the west elevation which is acceptable in terms of scale and design.

7.2.2 An extension to the south of the existing car park proposes an additional 10 spaces. Before the works commenced on site, there were 10 spaces in this location with a further 5 adjacent to the building on the site. The proposed increase is 3 less than previously approved (2013). To the west of this, separated by a band of proposed planting, lorry parking for 6 vehicles is proposed. These works have been commenced with both areas substantially created. However a new application was required as there was some alterations to the site levels and the positioning and size of the hard standing. The lorry parking area is 19.7m at its widest, 0.6m wider than approved and 50m long. It is

also approximately 0.8m closer to Penrod Way than approved, but the extended parking area is approximately 1.4m further from Moneyclose Lane. The finished levels are proposed to be 0.45m higher along approximately half of the western side of the lorry parking area, and 0.13m higher at the south west corner than previously approved.

- 7.2.3 The creation of the areas of hardstanding has required adjustments to the original levels of the site with the removed material used adjacent to these areas to form small bankings. The parking areas have been surfaced with permeable paving, with the top level of the lorry parking still to be finished with dust-compacted limestone. This part of the development removes an area of existing low-level landscaping. There will be an area of this retained and this partly-retrospective application provides an opportunity to enhance and develop the greening and screening elements. Given the changes in levels and the slight increase in size of the hardstanding area, additional planting has been proposed as part of this application. The banking to the east of the lorry parking area and the south of the car park will have a level approximately 0.8m higher than the lorry parking area with tree planting that was not previously proposed. Shrub planting is also proposed adjacent to this to soften the banking adjacent to Moneyclose Lane and some additional tree planting is also proposed adjacent to Penrod Way and the southern boundary of the site.
- 7.2.4 Notwithstanding the residential properties to the east, the majority of the remaining surrounding area is industrial in nature and the industrial land -allocation includes the application site. Although there is a slight increase in the size of the lorry parking area and some difference in levels that were previously approved, the increase in tree planting will represent an improvement to the visual amenity when compared to the current consented scheme, and it is considered that this will mitigate against the changes to the scheme.
- 7.2.5 On the previous application, a perimeter fence was proposed from the building towards the south of the site, set back from the boundary with Penrod Way, around the areas of hardstanding and back to the service yard. The current scheme seeks to amend the position of this to be approximately 2.5 metres closer to Moneyclose Lane, adjacent to the car parking area, and extend around most of the landscaped banking to east of the lorry park and a further 5 metres to the south. It will be mesh type fencing, 2.2 to 2.4m in height finished in a moss green colour. The fencing is considered to be acceptable in this location.

7.3 Impact on residential amenity

- 7.3.1 The extension will be located on an elevation away from the residential properties; as such there will be no adverse impacts on the amenity of these dwellings as a result of this element of the proposal. No objections have been raised from the neighbouring properties in respect of this aspect of the scheme.
- 7.3.2 Permission was granted for the original development in 2001 with a subsequent amendment to the hours of operation to provide some flexibility for the business. The southern part of the site was left as a landscaped area, however all of the site was included in the red line boundary for the application. It therefore benefits from permitted development rights which do allow the creation of hardstanding. As such, it would be difficult to resist this form of development. However, conditions can be put in place to help improve the amenity of the area for the residents on Moneyclose Lane by way of additional landscaping. The agent also confirmed, during the previous application, that the extension to the car parking area will only be used by cars, and the agent has agreed to a condition regarding this. As such this area is only likely to be used during the main office hours and will prevent larger commercial vehicles parking close to the residential properties during unsociable hours. This area is also further from Moneyclose Lane than previously approved. The proposed lorry parking area is approximately 34.5m from the nearest property and approximately 42m from the front wall of the nearest dwelling. This is a sufficient distance to prevent any overlooking from parked vehicles. Additional screening is proposed adjacent to this which has increased from the previous proposal in order to provide a greater green buffer. As set out above, there have been some increases in height of this area from the previous consent. The highest increase of 0.45m is at the side of the parking area furthest from the residential dwellings. The point closest to the dwellings is proposed to be increased by 0.13m from the approved levels. As such it is not considered that the alterations to the approved levels will result in a detrimental impact on the amenities of the neighbouring properties.
- 7.3.3 The agent agreed during the previous application to a condition requiring vehicle engines to be

turned off and no refrigeration units operated over night or on Sundays or Bank Holidays. Although the proposal does involve the removal of some green space, it is considered that sufficient controls can be put in place to protect residential amenity. The site already benefits from specific restrictions in relation to vehicle movements. The condition sets out that: there shall be no inward or outward movements of vehicles above 7.5 tonnes weight or refrigerated vehicles except between the hours of 0700-1800 Monday to Friday; on Saturdays and Sundays and recognised public holidays the inward and outward movement of vehicles shall be limited to the hours of 0800-1300 and no vehicles shall exceed 7.5 tonnes; and notwithstanding these requirements, the company's own vehicles below 7.5 tonnes weight shall be permitted to operate on a 24 hour basis provided that after 2200 and before 0700 the loading and unloading of any vehicle shall take place within the building and the doors shall remain closed during the loading/unloading operation. Furthermore, during these late hours any reversing alarms operated by these vehicles shall be switched off. As the entire site was included in the red line for the previous proposals, the new hardstanding would be covered by this condition. However, for the avoidance of doubt, this condition can be added if consent is granted for the current application. Various concerns have been raised with regards to increased noise and vehicle emissions, however, Environmental Health has raised no specific concerns regarding these issues.

- 7.3.4 At the Planning Committee meeting in February, the applicant raised concerns regarding the planning condition restricting vehicle movements as it was considered that it would unduly impact on business operations. As such, the application was deferred to allow discussions to be undertaken in relation to this. Following these discussions, it was considered that a change to this condition could not be dealt with as part of the current application as the hours of operation were not included in the application submission, and are not in the description. It is still considered that the condition restricting vehicle movements should be added if permission is granted as the site is currently covered by these restrictions. A separate application would then need to be submitted to vary the condition. The applicant has indicated that they intend to carry out a noise assessment in order to fully consider the impacts that a variation of condition would have on the amenity of neighbouring residents. Environmental Health would be consulted on any further applications.

7.4 Highways Impacts

- 7.4.1 In respect of the original application, the Highways Officer raised some concerns regarding the position of the proposed gate, indicating that it would cause an obstruction to Penrod Way should an articulated vehicle wish to gain entry when the gate is closed. The proposed gate is set back 8m from the highway. The agent confirmed during the original application that it would remain open during the main working hours and only be closed outside these times. The purpose of the gate is to secure the site when the offices are closed. There will be someone operating the gate if access is required. A condition can be included to ensure that the gates are open during the main opening hours of the site (and was added to the previous consent). As such, it is not considered that the proposal will have an adverse impact on highway safety and it will ensure that vehicles not associated with the business are parked on the site.

7.5 Contaminated land

- 7.5.1 Following discussion with the applicant during the previous application, the Environmental Health Officer is satisfied with the measures proposed and has just requested that the standard unforeseen contamination condition is added if consent is granted. It has also been advised that the proposed radon membrane is well installed, well detailed and validated and is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building. Advice to this effect was added to the previous consent and can be added if this application is approved.

7.6 Ecology

- 7.6.1 The submitted ecology report concludes that there was no evidence of protected species on the site which would be negatively affected by the development and the vegetation to be cleared has a low ecological significance in the local area. The new proposed landscaping will promote structural diversity in both the canopy and at ground level and encourage a wider variety of wildlife than already occurs. The amount of landscaping has increased from the original proposal, with a total of 55 new standard trees, including Italian alder, whitebeam, rowan and field maple. There is also a section of new hawthorn hedging and a variety of woody shrubs, well suited to a maritime climate.
- 7.6.2 Approximately 340 metres to the north west is Morecambe Bay, which enjoys the designations listed

in paragraph 1.1. The site is separated from the designated areas by existing industrial development and is also located adjacent to Heysham Port. As such, it is highly unlikely that there would be any direct or indirect impacts on these areas.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed extensions, areas of hardstanding and fencing are considered to be acceptable in terms of size, siting and design and are not considered to have a significant adverse impact on the character or appearance of the area, residential amenity, highway safety or ecology. As such, the proposal is considered to be acceptable in this location which is an allocated employment site.

Recommendation

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

1. In accordance with plans
2. Landscape scheme and 10 year maintenance regime must be implemented in full, as detailed on drawing no. L3133/04/Rev F, dated 30/08/14 and drawing no.297/01/Rev A, dated October 2014.
3. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
4. Surfacing materials in accordance with submitted details.
5. The security fencing hereby approved shall be multiplus profiled panel fencing finished in green (RAL 6005) or a suitable alternative, as may be agreed in writing with the Local Planning Authority.
6. The walls of the extension hereby approved shall be finished in merlin grey, and the roof in goosewing grey, unless alternative appropriate colours are agreed in writing with the Local Planning Authority.
7. The gates hereby approved shall remain open at all times during the main hours of operation at the site.
8. Hours of construction – 0800-1800 Mon-Fri, 0800-1400 Sat
9. Reporting of Unforeseen contamination
10. All vehicles parked on the hardstanding hereby approved between the hours of 18:00 and 7:00 Monday to Saturday, after 13:00 on Saturdays and any time on Sundays and public holidays shall have their engines switched off at all times unless entering or leaving the site. For the avoidance of doubt, no refrigeration units within these vehicles shall be in operation during these times.
11. The extended car parking area hereby approved shall be used for the parking of cars only.
12. Vehicle movements in and out of the site shall accord with the following requirements:
 - i) There shall be no inward or outward movements of vehicles above 7.5 tonnes weight or refrigerated vehicles except between the hours of 0700-1800 Monday to Friday
 - ii) On Saturdays and Sundays and recognised public holidays the inward and outward movement of vehicles shall be limited to the hours of 0800-1300 and no vehicles shall exceed 7.5 tonnes
 - iii) Notwithstanding the requirements of i) and ii), the company's own vehicles below 7.5 tonnes weight shall be permitted to operate on a 24 hour basis provided that after 2200 and before 0700 the loading and unloading of any vehicle shall take place within the building and the doors shall remain closed during the loading/unloading operation. Furthermore, during these late hours any reversing alarms operated by these vehicles shall be switched off.

Advice

- 1 It is advised that the proposed radon membrane is well installed, well detailed and validated and furthermore is jointed to the existing 1200g membrane in order that there is a continuous gas membrane across the entire building.

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 agent in negotiating amendments, prior to the submission, 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 A6	Committee Date 7 April 2015	Application Number 14/01277/FUL
Application Site 49 China Street Lancaster Lancashire	Proposal Erection of a three storey building for mixed use comprising of ground floor shop/offices with two 2-bed flats (C3) above	
Name of Applicant Ashby Properties	Name of Agent Mr Michael Harrison	
Decision Target Date 10 April 2015	Reason For Delay N/A	
Case Officer	Mr Andrew Holden	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Matter

This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Brookes for the application to be determined by Planning Committee. The reason for the request is because it is considered the application warrants examination over the introduction of new residential accommodation immediately next door to a well-established music venue and the associated Environmental Health interests of the development.

1.0 The Site and its Surroundings

- 1.1 The application site is located on China Street, Lancaster close to the junction of Market Street and Meeting House Lane. The site lies between 'The Pub' public house and the rear of 58 Market Street, currently occupied by JDG estate agents and lies within the Lancaster Conservation Area. The site is a vacant plot following the demolition of 49/51 China Street over 30 years ago. The original buildings were two storeys in height; the shadow of the roof form being clearly visible on the gable of 'The Pub' and the rear wall of 58 Market Street. All neighbouring properties are stone-built but of significantly different age. The terrace of properties (38-58 Market Street) are Grade II Listed buildings. The Pub, 47 China Street, is not listed but is considered to be a key townscape building capable of being locally listed.
- 1.2 The Pub presents a three storey blank gable to the application site with a small yard to the rear. Properties on Market Street rise to low three storeys and have rear windows at first and second floor with foul drainage pipes to the rear wall of 58 Market Street. A small toilet is present at the rear of the site abutting a low single storey outrigger running across the full width of the plot. The single storey outrigger is a recent reconstruction which serves the Cancer Research shop on Market Street. The outside toilet is understood to be available for the units at 54 and 56 Market Street.

2.0 The Proposal

- 2.1 The application is seeking to erect a three storey building (including fourth floor accommodation within the roof space) for a mixed use with commercial shop/office on the ground floor and 2 two-bed flats on the upper floors. The first floor provides for a two bedroom unit including a large

kitchen/living area to the front of the building. The top floor unit lies over two floors with a large kitchen/living area and small double bedroom on the second floor. An internal staircase leads to a large double bedroom within the roof space with headroom being provided by a lead roofed dormer spanning almost the full width of the main building. Access to the upper floors and the rear yard to the neighbouring shop units fronting Market Street is gained via a combined stairwell and corridor area.

- 2.2 Externally, the building has been broken down to reflect the small frontage widths present in Lancaster and acknowledgement of the historic form of the site comprising two buildings. The main building (over two thirds of the plot width) houses the commercial and residential units is built over four floors including the roof space. The remaining plot contains the access to the upper floor flats and a through route for the occupants of the commercial properties fronting Market Street to gain access to a small rear yard and a staff toilet. The design approach for the two elements differ significantly, providing movement in the roofscape and height to complement the respective neighbouring buildings. The upper floor access and link corridor is built over two and half storeys with an external appearance which visually links it to the adjacent 58 Market Street. The frontage is built of ashlar coursed stone with a simple slate roof above. A formal entrance door with stone surround and pediment is provide on the ground floor and a long staircase window above. This provide light to a two storey stairwell.
- 2.3 The main building is built of ashlar course stone on the ground floor. The upper floors are proposed to be rendered with stone surrounds to vertical sash windows. The main wall terminates with a parapet detail similar to the adjacent public house building. Set behind the parapet is a full height dormer with a glazed frontage above parapet level and a flat leaded roof. The dormer is set into a slate roof with gable parapet.
- 2.4 A simple string course running at the first floor level provides a break between the ashlar stone at ground floor and the render above. This string course detail is picked up from a similar detail within 'The Pub' frontage and is carried through into the lower section of the new build.

3.0 Site History

- 3.1 The site has a very limited planning history with the original buildings on the site (49/51 China Street) having been demolished and the site cleared over 30 years ago. The site has remained open and vacant since its demolition. Planning consent was granted in 2003 under 03/01163/FUL for the construction of a 3 storey building for shop/offices (A1 and A2 uses). The form, scale and appearance of the approved building is closely mirrored in the current application.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to conditions for a Construction Management Method Statement and its implementation, and reinstatement of footpaths
Environmental Health	Further information required Noise - Comments raised over the potential for noise impact upon the development due to proximity of a number of existing commercial uses and the one-way system, so need for a Noise Assessment to be submitted and impact considered. Air Quality - Concerns have been raised over the model predictions contained within the assessment. These are being revisited and formal comments will be available at the time of the Committee meeting Suggested conditions include hours of construction, unforeseen contamination and as may be required via the Noise and Air Quality Assessments.
Conservation Officer	Support - considers that the proposal will create an enhancement to the Conservation Area and streetscene with the vacant site and the gap in the terrace being filled.
Lancaster Civic Society	Support - welcomes proposals to develop this long derelict, empty site
County Archaeology	No objection subject to a condition requiring any groundwork associated with the development of the site should be carried out under archaeological supervision.

United Utilities	No objection
City Contract Services	Support for the revised ground floor layout incorporating cycle and refuse storage area following an original objection as the initial scheme had not considered waste storage or collection for the flats.
Parking and Administration	The applicant should be advised that the occupiers of the property will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme – Central Zone A

5.0 Neighbour Representations

- 5.1 To date 4 letters, including a letter from the neighbouring landlady of 'The Pub' public house, have been received. Whilst generally supportive of the infilling of the gap site concerns raised over the introduction of a residential use immediately alongside a thriving music venue and that the introduction of such a use could severely prejudice the operation of the neighbouring public house. Additional concerns have been raised that the residential occupation of the building could raise traffic problems due to the lack of off-street parking and a need to service the accommodation.
- 5.2 In addition to the individual comments an online petition has also been provided. At the time of writing the report the petition contained 863 signatures. An update of the number of signatures will be provided at the Committee meeting. The preamble to the petition reads:

This petition is to raise objections to the proposed development of the land next to The Pub, Lancaster. The proposed development will include domestic residences. If these are built the surrounding area, which includes The Pub will be re-classed as a residential area. This means that anyone living in these flats will be able to complain about any excessive noise in the area and this could very well mean an end to what we all love - live music at The Pub.

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)
 Paragraphs **50-51** (Choice of Homes)
 Paragraphs **56-57** (Requiring Good Design)
 Paragraphs **64** (Requiring good design)
 Paragraphs **128-129, 131, 137** and **141** (Conserving and enhancing the historic environment)

Lancaster District Local Plan
E37 (Key Townscape Feature)

Lancaster Core Strategy
SC1 (Sustainable Development)
SC2 (Urban Concentration)
SC4 (Meeting the Districts Housing Requirements)
SC5 (Good Design)
E1 (Environmental Capital)

Development Management DPD
DM30 (Development Affecting Listed Buildings)
DM31 (Development affecting Conservation Areas)
DM32 (The setting of Designated Heritage Assets)
DM35 (Key Design Principles)
DM37 (Air Quality Management and Pollution)
DM41 (New Residential Dwellings)

7.0 Comment and Analysis

- 7.1 The main planning issues to be assessed in the determination of this application are as follows:
1. Whether the principle of the development for a commercial A1/A2 unit and residential accommodation on the site complies with local and national planning policy;

2. Whether the proposal has considered the significance and the impacts upon heritage assets and whether the design of the development subsequently respects the character and fabric of the area;
3. Whether the relationship with neighbouring properties is acceptable; and
4. Whether the development provides an acceptable standard and form of accommodation for future occupants, including appropriate provision for refuse storage and means of access in compliance with local and national planning policy.

7.2 Principle of Development

7.2.1 Given that the proposal involves the creation of student accommodation it is considered that it needs to be judged against the requirements of Policies SC1 and SC4 of the Core Strategy and the Core Principles DM30-35 of the Development Management DPD and Section 6 of the NPPF. It is contended that the development will essentially meet the requirements of these policies for the following reasons:

- The proposed building is located in a highly sustainable location in the main urban area of Lancaster with access to main services;
- The principle of developing on this historic gap site within an otherwise built up frontage would positively contribute to the vitality of the city centre and the appearance of the Lancaster Conservation Area; and
- The provision of residential accommodation will positively contribute to meeting the District's housing needs and aid the current evidenced shortfall in housing provision within the Lancaster District.

7.3 Design and Impact upon Heritage Assets

7.3.1 Whilst the NPPF places a strong emphasis on the presumption in favour of sustainable development and places significant weight on the need to support sustainable economic growth, it highlights that sustainable development has three roles; an economic role; a social role and an environmental role and that these roles are mutually dependent. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environments, as well as in people's quality of life. The Core Strategy equally places a strong emphasis on ensuring new development achieves quality in design (policy SC5), is integrated with the character of the townscape (policy SC1) and protects and enhances Conservation Areas/Listed buildings (policy E1). The Development Management policies DM30, DM31, DM32 and DM35 confirm this position

7.3.2 The site occupies a prominent position in the city centre within the heart of the Lancaster Conservation Area. The site has been vacant for a long time following demolition of the original buildings. The plot is currently a gap in the otherwise built up frontage to China Street and has been awaiting a scheme for in-filling for some time. Neighbouring buildings are either Listed in their own right or are identified as Key Townscape Features within the Lancaster District Local Plan. The whole area lies within the Lancaster Conservation Area and would be significantly enhanced by the development of an appropriate 'in-fill' building, a view shared by Lancaster Civic Society and the Conservation Officer.

7.3.3 The principles of the scale and general form of an infill in this location has been previously explored and negotiated under planning consent 03/01163/FUL and its associated Listed Building consent, 03/01164/LB approved in October 2003. The current application closely follows the design and massing approach approved in 2003. The frontage of the plot has again been broken down to complement and respect adjoining buildings and reflect the historic plot sizes present in much of Lancaster.

7.3.4 The building form has acknowledged its relationship to the adjacent Listed buildings with the development introducing sloping roofs and lower sections of building to maintain open aspects to the rear windows to the properties on Market Street. On a practical level, the building has been designed to be freestanding and not to introduce any structural loading onto either of the neighbouring buildings. The roof elements will be flashed into the neighbouring building to prevent water egress and the walls will abut each of the adjacent buildings to form a visually continuous frontage.

7.4 Relationship with neighbouring properties

- 7.4.1 As outlined earlier in the report the current scheme closely resembles the scale and form of a previously approved scheme in 2003 although this sought consent for commercial over three floors (ground floor retail/office and upper floor offices). The rear roof form has been designed to ensure rights of light are respected to the properties on Market Street. The historic building form present a building along the full depth of the plot alongside 'The Pub', an approach repeated in the 2003 consent. This scheme has reduced the depth of the built form allowing for an open rear yard and improving the relationship to the rear beer garden to the adjoining public house.
- 7.4.2 Properties on Market Street are also understood to enjoy historical rights (based on the historical form of the original buildings) along the rear of their buildings. Whilst not directly a planning issue, the scheme has been designed to ensure that these rights are protected with an access and corridor running immediately along the rear of the Market Street buildings. Overall, the relationship of the proposed building to the existing neighbours is considered acceptable.
- 7.4.3 Concern has been raised by a number of individual objectors including the licensee of the neighbouring public house in addition to an online petition that the scheme, if approved for residential occupation on the upper floors, will be detrimental to the operation of the public house. The licensee commented that her property was chosen in particular because of its separation from residential units. She goes on to state that the original scheme approved in 2003 sought only commercial use and the development of upper floor residential uses will lead to complaints over noise generation and the cessation of the use of the public house as a live music venue which would be detrimental to its viability.
- 7.4.5 Comment has also been raised by Environmental Health over the potential for noise impact upon the development due to proximity of a number of existing commercial uses and site location on the one way system. It is considered that the application should be supported by a Noise Assessment to fully assess noise levels in the area and potential measures required within the built form of the development to mitigate any impacts.
- 7.4.6 Informally Environmental Health has indicated that it is anticipated that noise mitigation measures can be satisfactorily built into the new scheme to enable satisfactory living standards to be provided within the new units. Mitigation measures could include additional acoustic protection in the walls, and the introduction of mechanical ventilation system into the building to negate the need to open windows. The freestanding approach to the construction of the new build will also complement acoustic control, limiting the transmission of sound through the structure. The introduction of mechanical ventilation would also complement potential air quality issues as the site lies within the Air Quality Management Area.
- 7.4.7 Updates will be presented verbally to Committee following receipt of the requested Noise and Vibration Assessment and analysis by Environmental Health along with any conditions required to ensure an appropriate level of amenity can be maintained for residential occupiers of the building.

7.5 Standard of Accommodation

- 7.5.1 The application is seeking to provide a new self-contained commercial unit at the ground floor fronting China Street but close to the main commercial area on Market Street. The unit will provide for 63 sq.m of retail/financial services space along with independent toilet and 'brew room'. Access will be compliant with the provisions of the Equality Act (i.e. a level threshold). The development is considered to complement the existing commercial outlets in the immediate area.
- 7.5.2 As outlined earlier in the report, the scheme seeks to develop 2 two bedroom self-contained residential flats, one on the first floor and the other in the form of a maisonette on the second floor and roof space. Access to the flats is gained from a dedicated stairwell which has an access from China Street. The new entrance also provides a direct route to the rear of the Market Street properties and a staff entrance into the commercial unit.
- 7.5.3 The floor areas of the units are considered to be spacious, providing accommodation with floor areas of the main living space being over twice that set out as a minimum in the Appendix of the DM DPD for flat conversions. All the bedrooms are double in size, again well in excess of minimum requirements of the flat conversion standards. As the proposal is new build, the development should

not be directly considered against the flat conversion standards in the Appendix but it provides a useful comparison to consider proposals for new development against.

7.5.4 The main living areas are located to the front of the development with open aspect onto China Street. The rear of the property contains the bedroom windows. The rear of the building has a close relationship to the rear outrigger of the Cancer Research building but as this is only single storey, the bedroom windows at first and second floor have an open aspect across the rear of the Market Street properties and obliquely to Music Room Square. The upper floor bedroom has windows facing China Street, these taking the form of a wide dormer window.

7.5.5 As originally submitted the scheme lacked suitable storage area for cycles or refuse. Following discussions with the agent, the scheme has been revised to slightly reduce the ground floor area of the commercial unit to provide suitable storage space. The store room has been designed to accommodate two cycles and up to four wheeled bins. This area will be available to all occupants of the building.

7.5.6 Overall, the standard of accommodation to be provided is considered to be adequate.

7.6 Other Matters

7.6.1 Highways – The proposal has not raised objection from the Highway Authority. The Highway Officer has acknowledged that the site is located in the city centre where ready access is available to most services, including public transport. Therefore parking is not a requirement in this location. However, on a practical level, the site lies immediately alongside China Street, part of the city's one-way system and detailed consideration will be required over the approach to be taken to the construction of the building to ensure the maintenance of free flow traffic movements. It is considered that this can be suitably controlled by planning condition seeking the submission, agreement and implementation of a Construction Management Method Statement along with the reinstatement of the pavement fronting the site should damage occur.

7.6.2 Archaeology – County Archaeology has highlighted that the site has been the subject of limited archaeological investigation in 1979 following the demolition of the buildings which stood on the site. The investigation resulted in some finds relating to historic buildings and locally based pottery. However, the investigation only comprised of a single trench measuring 5m x 3m and it is considered that the site has the potential for further such remains. Consequently it is considered that any groundwork associated with the development of the site should be carried out under archaeological supervision. This could be suitably addressed via condition.

7.6.3 Air Quality Management Assessment – the submitted assessment has raised queries from Environmental Health as the predicted levels of pollutants within the assessment appear to conflict with known readings within the area. The 'canyon' effect of the street makes precise prediction difficult. However, the consultants are to reconsider the predicted levels and provide a more detailed account for examination by Environmental Health. At worst, the scheme will require the introduction of a mechanically ventilation air flow system which is not an uncommon approach to take with the Air Quality Management Area. The precise details of the assessment along with the comments of Environmental Health should be available at the time of the Committee and will be verbally presented along with any additional conditions that may be required.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The scheme represents a much-needed opportunity to infill this longstanding gap site in the heart of the Lancaster Conservation Area with the ability to provide significant improvement to the appearance of the streetscene and wider area. Subject to precise conditions over materials and finishes, the built form of the building is considered to be sympathetic to its surroundings and will complement the area.

9.2 The proposal has raised concerns over the potential impacts upon commercial operations in the area. Detailed assessment of the standard of amenity for the residential occupiers has yet to be

provided by the applicant to Environmental Health and will form part of a verbal update at the time of Committee meeting. However, it is anticipated that an appropriate standard can be achieved in the context of the current commercial operations in the area, and subject to appropriate conditions the application should be supported.

Recommendation

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

1. Standard 3 year timescale
2. Development to be in accordance with the approved plans
3. Amended ground floor (Cycle and Refuse store)
4. Use of Ground floor unit limited to A1 or A2 only
5. Cycle/refuse store to be provide prior to occupation and maintained
6. Programme of archaeology works - scheme of investigation
7. Quoin details to be introduced on the northern corner of the building frontage (match the south)
8. Hours of construction (0800-1400 Mon to Fri and 0800-1400 Sat)
9. Unforeseen contamination
10. Construction Management Method Statement (CMMS) to be submitted
11. Works to be undertaken in accordance with agreed CMMS
12. Footpath reinstatement to be undertaken prior to occupation, if required
13. Samples of natural stone, natural slate, render, rainwater goods and framing to shop front and dormer windows
14. Details of flat entrance door/surrounds on China Street
15. Details of staircase window
16. As required by EHO in respect of Noise and Air Quality mitigation

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 agent in requesting further supporting information which has now positively influenced the proposal and has 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 A7</p>	<p>Committee Date 7 April 2015</p>	<p>Application Number 14/01278/LB</p>
<p>Application Site 49 China Street Lancaster Lancashire</p>	<p>Proposal Listed building application for the erection of a three storey building for mixed use comprising of ground floor shop/offices with two 2-bed flats above</p>	
<p>Name of Applicant Ashby Properties</p>	<p>Name of Agent Mr Michael Harrison</p>	
<p>Decision Target Date 29 January 2015</p>	<p>Reason For Delay To determine concurrently with the associated change of use</p>	
<p>Case Officer</p>	<p>Mr Andrew Holden</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

1.1 The application site is located on China Street, Lancaster close to the junction of Market Street and Meeting House Lane. The site lies between 'The Pub' public house and the rear of 58 Market Street, currently JDG estate agents and lies within the Lancaster Conservation Area. The site is a vacant plot following the demolition of 49/51 China Street over 30 years ago. The original buildings were two storeys in height, the shadow of the roof form being clearly visible on the gable of 'The Pub' and the rear wall of 58 Market Street. All neighbouring properties are stone built but of significantly different age. The terrace of properties 38-58 on Market Street are Grade II Listed buildings. The Pub, 47 China Street, is not listed but is considered to be a key townscape building capable of being locally listed.

2.0 The Proposal

2.1 This application relates to the limited Listed building implications for the development being considered under the preceding agenda item, planning application 14/01277/FUL. As outlined above the building immediately abutting the open area of land is a Grade II Listed building, one of a row of late Georgian Townhouses on Market Street now made over to commercial uses.

2.2 Works to the Listed building comprises the abutment of the front and rear walls of the new build against the rear wall of 58 Market Street over two and a half storeys. The walls to the new build are to be designed as a free-standing structure with no load being taken by the rear wall of the Listed building or that of the neighbouring public house on the other side of the plot. The walls will abut the rear stone wall to Market Street with a simple flexible waterproof joint.

2.3 In addition, a short section a leading flashing will be introduced following the roof line of the new building to develop a watertight finish. The flashing will be within the rear stone wall of the Listed building.

3.0 Site History

3.1 The site has a very limited planning history with the original buildings on the site (49/51 China Street) having been demolished and the site cleared over 30 years ago. The site has remained open and vacant since its demolition. Planning consent was granted in 2003 under 03/01163/FUL for the construction of a 3 storey building for shop/offices (A1 and A2 uses). The form, scale and appearance of the approved building is closely mirrored in the current application.

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	Support - considers that the proposal will create an enhancement to the Conservation Area and streetscene with the vacant site and the gap in the terrace being filled.
Lancaster Civic Society	Support - welcomes proposals to develop this long derelict, empty site

5.0 Neighbour Representations

5.1 To date 2 letters have been received, including one from the neighbouring landlady of 'The Pub' public house. Concerns have been raised over the introduction of a residential use immediately alongside a thriving music venue. It is considered that the introduction of such a use could severely prejudice the operation of the neighbouring public house.

5.2 In addition to the individual comments an online petition has also been provided at the time of writing the report, the petition contained 863 signatures, an update of the number of signatures will be provided at the committee meeting. The Petition Background preamble to the petition reads: -

This petition is to raise objections to the proposed development of the land next to The Pub, Lancaster. The proposed development will include domestic residences. If these are built the surrounding area, which includes The Pub will be re-classed as a residential area. This means that anyone living in these flats will be able to complain about any excessive noise in the area and this could very well mean an end to what we all love - live music at The Pub.

6.0 Principal National and Development Plan Policies

National Planning Policy Framework

Paragraphs **56 – 57** (Requiring good design)

Paragraphs **64** (Requiring good design)

Paragraphs **128-129, 131, 137** and **141** (Conserving and enhancing the historic environment)

Lancaster Core Strategy

SC5 (Quality design)

E1 (Environmental capital)

Development Management DPD

DM30 (Development affecting Listed buildings)

DM32 (The setting of designated heritage assets)

DM35 (Key design principles)

7.0 Comment and Analysis

7.1 Design and Impact upon Heritage Assets (Listed Building)

7.1.1 As outlined earlier in the report, this application only relates to limited works to the Listed building. There will be very limited intrusion into the structure of the building, with the works limited to the flashing of the roof to the new building into the rear wall of 58 Market Street. No loading is to be taken by the existing building from the new build and the walls to the new build will only abuts the

rear wall of 58 Market Street with a flexible joint between the two. Precise details of these elements have not been provided but are considered to be sympathetic to the Listed building and can be adequately controlled by condition.

7.1.2 The setting of the building and the impact of the new development also needs to be considered. The communal entrance and stairwell have been set back to acknowledge the footprint of the original building. Whilst taller than the original structures on the site, the building design and roof form to the rear has been developed to safeguard rights present for the existing buildings on Market Street. It is considered that the need to protect of these rights to light and access has led to a design which also protects the setting of, and does not unduly dominate, the Listed row of townhouses on Market Street.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Overall, it is considered that the proposal represents a much needed opportunity to infill this longstanding gap site in the heart of the Lancaster Conservation Area with the ability to provide significant improvement to the appearance of the streetscene and wider area. The scheme is considered to respect the setting of neighbouring buildings including the Listed townhouse on Market Street. Subject to conditions to clarify the construction of the limited works directly affecting the Listed building, the application should be supported.

Recommendation

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

1. Standard 3 year timescale
2. Details of the abutment joint between the new build walls and the Listed building
3. Flashing details of the new build roof to the Listed building walls

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 agent in requesting further supporting information which has now positively influenced the proposal and has 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	Committee Date	Application Number
A8	7 April 2015	14/00907/FUL
Application Site Arna Wood Farm East Arna Wood Lane Lancaster Lancashire	Proposal Installation of arrays of PV panels, string inverters, underground cabling, substation, security fencing and CCTV mounted on up to 3m high masts, together with construction of internal access roads and formation of access off Arna Wood Lane to form a solar farm	
Name of Applicant Mr Robert Ayres	Name of Agent Mrs Amy Williams	
Decision Target Date Formal extension of time until 13 April 2015	Reason For Delay Awaiting further information and amendments	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval – subject to satisfactory resolution of outstanding ecological matters	

1.0 The Site and its Surroundings

- 1.1 This application relates to two areas of land located approximately 2.3km to the south west of the centre of Lancaster and approximately 600 metres to the south of the small settlement of Aldcliffe. Both of these are accessed from Arna Wood Lane which also serves seven dwellings and has an exit from the United Utilities Waste Water Treatment Works. The larger area of land is on the western side of the highway and comprises two fields and part of a larger field with a site area of approximately 10 hectares. To the west of the site is the Lune Estuary and a multi-use path which runs adjacent to this and the site boundary. The land is relatively level close to the western boundary but then rises up towards the highway to the east. The field boundaries are generally delineated by managed hedges and occasional small clumps of mature trees. The smaller area of land is located on the eastern side of Arna Wood Lane and comprises a narrow field which rises to the east, and part of a larger field beyond this, which slopes downwards to the east. The former is bounded by hedgerows with a gate opening to the highway and the latter is more open.
- 1.2 The nearest residential properties are located at Arna Wood Farm and Low Wood, approximately 90m east and 35m south west, respectively, of the larger part of the site. There is also a small hamlet, Stodday, located approximately 360m to the south of the smaller part of the site and a Grade II Listed Building, Lunecliffe Hall, approximately 320m to the east. The Waste Water Treatment Works is located approximately 10m to south of the site, at its closest, and there is a line of electricity pylons just beyond the Works which cross the Estuary in a northwest direction. In addition to the Lune Estuary Footpath to the west of the site, there is a public right of way crossing a field, from this path, approximately 120m to the north of the site.
- 1.3 The Lune Estuary is designated as a Site of Special Scientific Interest (SSSI) and is also covered by the Morecambe Bay Special area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. A small part of the site is located within Flood Zones 2 and 3 and a Mineral Safeguarding Area. The site is also within the Countryside Area, as identified on the Local Plan Proposal Map.

2.0 The Proposal

- 2.1 Planning permission is sought for the installation of solar photovoltaic panels and associated infrastructure. It was originally proposed that they would be sited on both pieces of land identified. However, following concerns regarding visual impact, they have been removed from the smaller area of land located on the eastern side of Arna Wood Lane. The only development on this part of the site is proposed to be a substation located close to the highway. The solar panels will be south-facing and tilted at no more than a 20-25° angle (the optimum angle to maximise the generation of energy). They will be arranged into rows separated by approximately 4m to allow access for maintenance vehicles. Each solar module is made up of 72, 156 x 156mm polycrystalline silicon cells. The glass consists of high transmission, low iron and tempered 3.2mm glass and the frame is anodized aluminium. The panels will be dark grey/blue in colour and have anti-reflective coating to minimise glare. The frame structures consist of steel uprights and aluminium cross bars. The uprights are not normally driven into the ground, instead they are 'augured' or 'pushed' into the ground to a depth of approximately 1.5m, dependent upon ground conditions. Once constructed, the panels will have a height of 0.6m at the front and a maximum of 2m at the back. The panels will be fixed and will not track the path of the sun. The substation will be approximately 5.2m by 8.3m with a height of 3.9m. It will also have a small attached store. The submission states that the materials would be agreed with the Local Authority.
- 2.2 An access track is proposed from Arna Wood Lane which will include a bay to allow construction traffic to temporarily park. A track is proposed around the perimeter of the site and will be enclosed by a 1.8m-high wooden post, stock proof fence. The solar farm will be an unmanned facility and will not require floodlighting at night. As a result, there will be no general lighting for normal operating conditions and low-level lighting will be installed on site when access for maintenance is required. Low voltage cables will be fed along the mounting framework, within and clipped to, dedicated cable trunking, and via combiner boxes connected to the inverter station. The inverters will typically be housed in a weather proof fibre glass proprietary enclosure and will be attached to the frame of the solar panels. The submission states that the dimensions will be approximately 641mm x 429mm x 220mm, and they will generate no noise. The electricity produced by the site will be exported via underground cables. No additional overhead line infrastructure is proposed. Two types of CCTV security are proposed, consisting of two pole mounted pan tilt zoom (PTZ) cameras on 3 metre high poles to the north and west of the site, and a number plate recognition camera at the access. Additional planting is also proposed.

3.0 Site History

- 3.1 There is no relevant planning history on the site.

4.0 Consultation Responses

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

Consultee	Response
Overton Parish Council	No comments received
Thurnham Parish Council	No objections
Heaton with Oxcliffe Parish Council	No comments received
Environmental Health	No objections
Tree Protection Officer	No objection subject to conditions requiring implementation of submitted Arboricultural Implications Assessment and planting proposes and details of maintenance regime.
County Highways	No objection subject to conditions requiring submission of a construction method statement and a scheme for construction of site's point of access.
Natural England	There is currently not enough information to determine whether the likelihood of significant effects on the European designated sites can be ruled out. Also expect the Local Planning Authority to assess and consider the other possible impacts resulting from this proposal in relation to local sites (biodiversity and geodiversity), local

	landscape character and local or national biodiversity priority habitats and species. Awaiting further response to additional information.
County Ecology	From the information submitted, the Council cannot conclude no likely significant effect and will not be able to determine this application until an Appropriate Assessment has been carried out. It would also be helpful if the applicant could provide the evidence of likely absence (i.e. results of previous surveys) in relation to great crested newts for consideration by the planning authority. Awaiting further response to additional information
RSPB	No comments received.
County Strategic Planning and Transport	No comments received.
County Minerals Planning	No comments received.
Environment Agency	No objection subject to a condition requiring access and maintenance roads to be constructed using permeable materials.
County Archaeologist	No objection. The use of augured foundations and the location of the access road around the edge of the site will mean that the development will cause minimal damage to the earthworks on the site.
Campaign to Protect Rural England	No comments received.
Public Rights of Way Officer	The multi-use path which runs along the west side of this development is likely to be the line of the English Coastal Trail (ECT) within a few years and the Trail is also likely to run down the bank of the River Lune on its other side to the west. Therefore expect the highest standards of screening for the near view and the distant view from the west. Have concerns about the reflection of light and consequent glinting from the panels.
Ramblers Association	No comments received.
United Utilities	No objection subject to a condition that no structure should be erected within 6.5 metres of a public sewer.
Lancashire Constabulary	No observations to make.
Ministry of Defence	No objections
Civil Aviation Authority	No comments received.
BAE Systems	No objections
Blackpool Airport	No comments received.
NATS	No objections

5.0 Neighbour Representations

5.1 53 pieces of correspondence have been received which raise an objection to the scheme, containing the following concerns:

- Increase in traffic detrimental to highway safety
- Poor access on single track roads with few passing places
- Distraction to road users
- Adverse landscape impact
- Visually intrusive due to undulating land
- Detrimental to the character of the area
- Inappropriate viewpoints have been used to assess the visual impact
- Cumulative effect with the Lancaster Wastewater Treatment Works (WwTW) and pylons will industrialise the area
- Proposed screening would be insufficient
- Will change the nature of the land to brownfield which could be developed in the future
- Impact on the amenity of the area including the adjacent Lancashire Coastal Path
- Inadequate consideration of great crested newts and bats
- Impact on the neighbouring site of special scientific interest, Special Area of Conservation, Special Protection Area and Ramsar site
- Impact on birds

- Displacement of wildlife
- Adverse impact on trees and hedgerows
- Government Guidance advises the use of brownfield land
- Impact on old Roman Road and ancient hedgerows
- Loss of agricultural land for grazing and crop production
- Insufficient consideration of alternative sites
- Inappropriate use of land
- Noise from traffic and electrical equipment
- Solar panels are hazardous to health if smashed
- Access for fire services
- Visual impact of security cameras, substation and fencing
- Unviable source of renewable energy
- Insufficient information regarding land remediation after 25 year operating period
- Impact on residential amenity
- Negative impact on tourism
- Errors in the submission
- Glare from panels
- No community benefits
- Will set a precedent for development of farmland in the area

5.2 6 pieces of correspondence have been received in support of the application, and set out the following comments:

- Provides renewable energy and energy security
- There are already large pylons in the vicinity of the site
- Site is well screened from roads, paths or houses
- The NPPF urges Local Authorities to support renewable energy
- Will support the local community through the Community Benefit Fund
- Will provide equivalent electricity to meet needs of over 110 homes every year
- Will save an estimated 3210 tonnes of carbon emissions each year
- Support diversification of a local farming business
- Provide employment opportunities
- Encourage new and diverse wildlife
- Land will be retained for agricultural use
- Avoids any environmental protections and heritage assets
- Avoids areas of protected landscape or higher grade agricultural land
- Opportunity for shared community ownership

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 56, 58 and 60 – Requiring Good Design
Paragraphs 93, 97 and 98 – Delivering Renewable and Low Carbon Energy
Paragraphs 118 and 119 – Conserving and Enhancing Biodiversity
Paragraphs 131 and 132 – Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

SC5 – Achieving Quality in Design
SC8 – Recreation and Open Space
ER7 – Renewable Energy

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

E4 – Countryside Area
E5 – The Open Coastline

6.4 Emerging Development Management DPD

DM7 – Economic Development in Rural Areas
DM17 – Renewable Energy Generation
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM25 – Green Infrastructure
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development Affecting Listed Buildings
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles

6.5 Other Material Considerations

A Landscape Strategy for Lancashire – December 2000

7.0 Comment and Analysis

7.1 The main issues raised by this proposal relate to:

- Landscape and visual impact
- Highway impacts
- Ecological impacts
- Impact on residential amenity
- Impact on the historic environment
- Loss of agricultural land/consideration of sites
- Impacts on trees and hedgerows
- Flooding and drainage
- Aviation
- Impact on sewage infrastructure
- The contribution to renewable energy generation

7.2 Landscape and Visual Impact

7.2.1 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which included photomontages from four viewpoints. The landscape, within which the site is located, is characterised as Low Coastal Drumlins, sub type 12a Carnforth-Galgate-Cockerham. This landscape type is characterised by areas of low, whaleback hills around 40m high, with broad rounded tops towards the north-west coast of the study area. The landscape is characteristically gentler and of lower altitude than that of the Drumlin Field and individual drumlins are more isolated and there are often areas of poorly drained pasture, standing water and occasionally mosses, fens and fen meadows between the drumlins. The alignment of drumlins gives the landform a distinctive grain. The strong pattern of pastures emphasises the undulating topography, with neat, low cut thorn hedges traversing the drumlins. Trees and shrubs are limited in this agricultural landscape, although small copses occur on the tops and sides of the drumlins. Scattered large farmsteads are reached by a network of winding hedged lanes and tracks. Immediately to the west of the site, covering the River Lune, the landscape character is Open Coastal Marsh.

7.2.1 The lower part of the site closest to the Lune Estuary, where the panels are proposed to be sited, is at an elevation of approximately 5 Above Ordnance Datum (AOD) rising to approximately 20 AOD. The land rises further to the east up to the road and buildings at Arna Wood Farm. It comprises three fields which are separated by hedgerows. There is also a hedgerow and some trees along the boundary between the Lune Estuary Path and the site. There is also banking between the path and fields to the east, just to the south of the point where the panels are closest to the path. The other part of the site is located on the eastern side of Arna Wood Lane. It comprises a relatively narrow enclosed field, which rises up from the road, and a greater area of land which is part of a larger field. Where the two fields join is towards the top of a rise and the land then slopes downwards towards the east from an elevation of approximately 27 AOD to approximately 15 AOD.

7.2.2 There were concerns raised regarding the landscape and visual impact of the panels located on the

smaller area of land to the east as these would be particularly visible from the local highway network and would be difficult to fully screen given the sloping nature of the land which leaves the site open to views, particularly from the east. The development would completely alter the character and appearance of the land, and given its prominence this was not considered to be acceptable. As such, this part of the development has been removed from the scheme.

- 7.2.3 The larger site is set down from the adjacent highway, Arna Wood Lane, which only serves a small number of properties and is not a through road. It is considered to be relatively well screened from views to the east given intervening land form and the location of the main road network. There are views afforded by the nearest residential properties and the assessment of impacts on residential amenity is contained within a separate section below. The main concern in terms of landscape and visual impact, regarding this part of the site, relates to views from the adjacent path along the River Lune which is used by pedestrians, cyclists and horses. There are elements of screening along this route, but this is not continuous and many views can be gained of the higher land to the west. Given the sloping nature of the land, concerns were raised with the agent that it would be difficult to adequately screen this part of the site. However, the lower, flatter area closer to the path would more easily be screened, and the long field to the south would be unlikely to have a significant visual impact given the banking adjacent to part of the path. It was advised that the panels were removed from the more prominent areas of this land in order to reduce the visual impact. It was also suggested that a photomontage be submitted from adjacent to the site on the path in order to fully demonstrate the visual impacts. However, this has not been provided.
- 7.2.4 The panels are proposed to face south and as such the views would predominately be of the rear and sides of the structures. It is considered that the solar panels will change the character of the landscape and the land is likely to appear more industrialised, although the structures are relatively low having a maximum height of approximately 2 metres. The agent suggested works to the hedgerow next to the path to help screen the panels. However, this hedgerow is not on land controlled by the applicant and as such they have no control or rights over this and as such the Council would not be able to condition that these works took place and were maintained. A further landscaping plan was submitted in order to try to overcome the issues regarding the visual impact. Hedges are proposed around the perimeter of the site and will be retained along existing boundaries. No additional planting is proposed along the boundary with the Lune Estuary path. However the amended scheme includes a 5 metre buffer along part of the northern boundary of the site in order to reinforce existing planting on the boundary consisting of 15 field maple and 10 oak between 2-2.5 metres planted at 2 metre centres. A further 5 oak and 5 field maple are proposed along part of the western boundary which is set back from the path.
- 7.2.5 The screening will help to break up views when approaching the site from the north along the adjacent path. Although it is considered that the development will significantly change the appearance of the site, which is currently a grazed agricultural field, views will be intermittent given the existing boundary along the cycle path and the proposed planting. There are also open views of across the Lune Estuary and as such the site will not be the sole viewpoint for people using this recreation route. In addition, when travelling from the south, the panels will not be visible until adjacent to the part of the site closest to the path given the presence of the banking and trees. The panels will also be visible in the context of the two lines of electricity pylons located to the south. The landscape is also not wholly undeveloped given the location of the Waste Water Treatment Works just to the south of the site, although, particularly given its size, this is afforded a reasonable amount of screening. Given the above, on balance, it is not considered that the proposed solar panels will have a significant adverse landscape or visual impact.
- 7.2.6 Given the position of the panels, there will be further views to consider from the west on the other side of the Lune Estuary. The closest receptors comprise some dispersed farms, located approximately 1.5km from the site. The nearest public highway is a further 550 metres and the nearest public rights of way is approximately 1.7 kilometres from the site. The land in this area is low lying and consists of marsh adjacent to the River. The views of the rising land where the panels are to be sited will be more distant and intermittent. It will also be seen in the context of other nearby development. As such, it is not considered that the development will have a significant visual impact from these views.
- 7.2.7 There is also some associated infrastructure to consider. A new access road is proposed in addition to a track around the perimeter of the site. Given the presence of existing hedgerows and the proposed planting, it is not considered that these will be detrimental to the character and appearance

of the area. Two poles are proposed to be erected, with a maximum height of 3 metres, which will have CCTV cameras. These have been sited to minimise their visual impact and the colour and finish can be controlled by condition. The substation is proposed to be sited on a separate piece of land to the solar panels. This is well screened by existing hedgerows and will be at a similar level to the adjacent highway. The precise details of the materials can be controlled by condition. As such it is not considered that the ancillary infrastructure will have a significant adverse visual impact.

7.3 Highway Impacts

7.3.1 Many concerns have been raised by local residents with regards to the potential highway impacts as a result of the development particularly given the narrow roads in the vicinity of the site which have a lack of footways. As a result of the narrow lanes, the nearby Waste Water Treatment Works (WwTW) have implemented a one way system, accessing the works along Snuff Mill Lane entering the works at its southern end and exiting the works at the northern end along Arna Wood Lane. This means that vehicles exiting the WwTW will use the same road as the access to the application site.

7.3.2 The submission sets out that the construction period is anticipated to last approximately 4 months and would involve HGVs delivering the equipment and materials used for the project. There would also be a series of light vehicles which would be used to transport staff to site. The response from County Highways sets out that aside from the construction phase the site will not generate a significant amount of traffic with post construction visits dealing with maintenance and repair issues. The main concentration of vehicle movements, during construction, will be in the first 5 weeks, with peak flows in weeks 3 and 4 equating to 6 movements per day each way, excluding trips by construction workers. At this point in time the number of workers attending the site is not given but consideration will need to be to the operation of a "park and ride" facility for these people to reduce the impact on the local road network. On the basis of the location of the site and the low impact it will have on traffic movements in the area, the Highway Authority has raised no objection to the proposal on highway grounds has requested conditions to reduce the impact of the construction phase on the local highway network. A construction method statement has been requested to include: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; wheel washing facilities; measures to control the emission of dirt and dust during construction; details of working hours; contact details of the site manager; temporary highway signage and warning signs at the 2 access points and along Arna Wood Lane and Stodday Lane; details of the HGV routeing to/from the site; and the location and operation of a park and ride system for site staff during the construction phase.

7.3.3 In addition to the above, the agent has confirmed that with the reduction in the number of panels proposed, this has also led to a reduction in HGVs required. They should be able to achieve just over a 10% saving in vehicle movements with 90 vehicles now required averaging 0.8 a day (based on a 5 day delivery week). Given the above, it is not considered that the development will have a significant adverse impact on highway safety.

7.4 Ecological Impacts

7.4.1 The Lune Estuary Site of Special Scientific Interest (SSSI) is located approximately 10 metres to the west of the site. This is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. The SAC and SPA are European Protected sites (also commonly referred to as Natura 2000 sites) and are afforded protection under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations). Given the close proximity, the proposal has the potential to affect the interest features of these designated areas. Natural England has advised that, as the competent authority under the provisions of the Habitats Regulations, the Local Authority should have regard for any potential impacts that a proposal has. In relation to the requirements relating to Habitats Regulations Assessment, they have advised that the proposal is not necessary for the management of the European Site and the local authority should therefore determine whether the proposal is likely to have a significant effect, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

7.4.2 SPAs are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA bird

populations. Natural England advised that the original assessment did not provide enough information to determine whether the likelihood of significant effects can be ruled out and that further information should be sought. This included survey information for the site and adjacent fields to determine suitability for, and level of use by SPA birds. The results of a desk-based study would determine whether further survey work would be necessary. There is the potential for disturbance during the construction and decommissioning phases to effect birds within the designated sites. Consideration of effects on SPA/Ramsar birds within the designated sites during the operational phase would also need to be considered. There is potential for birds to be displaced as a result of the proposal. Concerns regarding the potential impacts upon the Lune Estuary SSSI coincide with those regarding the potential impacts upon Morecambe Bay SPA and Ramsar site.

- 7.4.3 Following the initial concerns, a desk based assessment was carried out and submitted. Natural England set out that this confirms that the proposals would result in the loss of habitat with the potential to support roosting and foraging SPA bird species, although surveys had not been carried out to establish species or numbers potentially affected. The assessment also concludes that the proposals have the potential to disturb roosting and foraging SPA birds, both using the site itself, and also within the immediately adjacent designated site, due to noise and visual disturbance during construction. It recommends that construction and decommissioning should be monitored to ensure that elements that may give rise to disturbance are not undertaken during spring high tide periods, and that this will need to be informed by a period of pre-construction monitoring to confirm usage of the site and surrounding area by qualifying bird species and that an Ornithological Management Plan (OMP) would be submitted prior to the commencement of monitoring. However, it is the opinion of Natural England that this is not acceptable for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended) and does not allow the Local Authority to conclude that there would be no likely significant effect on the designated sites. Mitigation measures can be taken into account when screening the proposal under the Habitats Regulations, however, monitoring disturbance and displacement of SPA species during construction does not mitigate impacts. The very fact that the consultant recommends further monitoring suggests that there will in fact be adverse effects. In engaging with the Regulations, the precautionary principle applies, (i.e. if it cannot be ascertained beyond reasonable doubt that effects are unlikely, or if there is uncertainty as to effects, then likely significant effects must be assumed).
- 7.4.4 Further survey work has now been undertaken over the winter period and an additional assessment has been submitted. Natural England and County Ecology have been consulted on this and their responses will be reported verbally at the Committee Meeting. This will need to demonstrate that the proposal will not have a likely significant effect on the European Designated Sites, otherwise the Local Authority would be unable to comply with the Habitats Regulations and could not grant consent.
- 7.4.5 There are several ponds, and other water bodies, within 500m of the application area which may or may not support breeding great crested newts. According to the original ecological assessment, surveys for this species are not required because the proposed development site provides sub-optimal terrestrial habitat for great crested newts and there is a low risk to this species as a result of the proposed development. The County Ecologist recommended that further information should be submitted to demonstrate that breaches of legislation would be avoided or that proposals would be licensable. The updated ecological assessment stated that there is negligible/ low risk of impacts on great crested newts or their habitat and no mitigation is required. As evidence for this conclusion, the report refers to previous surveys of three of the four ponds within 250m. However, no further details of these were provided and as such the likely presence or absence of great crested newts was not certain. The further information has now been submitted and further comments from County Ecology will be reported verbally at the Committee meeting.
- 7.4.6 In the response from County Ecology, no concerns have been raised with regards to bats. The scheme retains hedgerows and only involves the removal of small sections. Additional hedgerows are also proposed and as such it is not considered that the proposal will adversely impact on commuting routes and may increase habitat for these species. Habitats on the site have the potential to support nesting birds. It needs to be ensured that detrimental impacts on breeding birds are avoided with work, that may affect them, taking place outside the period between March and August. No permanent lighting is proposed as part of the scheme except for low-level lighting when access for maintenance is required. County Ecology has advised that given the sensitive location it will be important to ensure that there is no additional external lighting proposed during construction or operational phases. As such, further clarification has been sought regarding the temporary lightly

proposed.

7.4.7 In relation to additional planting, County Ecology has set out that ideally field maple should not be planted as part of new native hedgerows, or indeed as a hedgerow tree. Although native to the UK, and widely planted, this species would not naturally occur in this area. Given this, it will be investigated whether there is an alternative species that would be more appropriate in this area.

7.5 Impact on residential amenity

7.5.1 The nearest residential properties are at Arna Wood Farm and Low Wood (see paragraph 1.2 for details). The former is at a higher level than the site and would have views across the site towards the estuary. The dwellings at Low Wood are to the south of the site. Both are afforded some separation from the solar panels. Given the relatively low height of the solar panels, the separation distance and the site levels, it is not considered that the proposal will adversely impact on daylight or be overbearing to the occupiers of the properties. They will have some views of the solar panels, however the main outlook of the dwellings tends not to be directly towards the site, and in the case of Low Wood there is screening provided by hedgerows. The submission sets out that solar modules are designed as light converters to absorb as much light as possible, rather than reflecting sunlight from the panel's surface. As a result, the extent of glare from the solar farm is anticipated to be minimal. Any light reflection caused by the panels will be limited in both length of time and its position, due to the sun's movement in the sky. As such, it is not considered that the development will have a significant adverse impact on residential amenity. In addition, Environmental Health has raised no concerns. There will be some disturbance during construction, however this will be for a limited period and the hours of construction can be controlled.

7.6 Impact on Heritage Assets

7.6.1 The nearest Listed Building to the site is Lunecliffe Hall. However, as the land to the east is no longer proposed to be used for the siting of solar panels, this will be approximately 630 metres from the nearest panels. Given the distance, the intervening topography and the height of the panels it is not considered that there will be an adverse impact on the setting of the Listed Building. Any other Listed Buildings are located much further from the site and, for similar reasons, it is not considered that the proposal will be detrimental to the setting of these.

7.6.2 The County Archaeology Service has raised a concern regarding the statement in the submission that sets out that features related to former agricultural land-use consisting of a post-medieval ridge and furrow are not considered to be non-designated heritage assets as the earthworks are probably late in date and therefore have a low level of significance. However, the use of augured foundations and the location of the access road around the edge of the site will mean that the development will cause minimal damage to the earthworks and as such they have raised no objections or require any related conditions to be attached.

7.7 Loss of agricultural land/consideration of sites

7.7.1 The National Planning Policy Guidance (NPPG) sets out that local authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, it should be considered whether:

- The proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- The proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

7.7.2 The submission sets out that there are no sites within the non-Countryside/Green Belt area that are specifically identified for renewable energy development and there is a lack of alternative sites of sufficient size, and in single ownership, within the District. The assessment of alternative sites is limited. However, the type of agricultural land has been considered. This is classified as Grade 3 which is Good to Moderate, and there are two classifications above and below this. The land is predominantly used for grazing at present. The submission sets out that the land will be continued to be grazed by sheep and only approximately 30% of each acre will be covered by solar panels. Given

that the site does not consist of high grade agricultural land, and that it will be continued to be used for agricultural purposes, it is not considered that the loss of the agricultural land would be a sufficient reason to resist the proposal.

7.7.3 Concerns have also been raised by members of the public that the development would result in the land being considered as previously developed, or brownfield, and as such could lead to further development in the future. The NPPG states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. The submission sets out that this is the intention and as such can be conditioned that the land will be restored, in accordance with a scheme, after a period of 25 years. A condition can also be added, similar to a wind farm consent, to ensure that if the solar panels are not producing energy for a period of 12 months, they should be removed. The justification of this is that any harm is balanced against the benefits and if there are no benefits, if they stop producing energy for whatever reason, there is no justification for the structures.

7.8 Impact on trees and hedgerows

7.8.1 There are no conservation area constraints or tree preservation orders affecting trees within the site proposed for development. There are, however, trees established immediately to the west of the smaller site which are subject to Tree Preservation Order which within the curtilage of the WwTW. There are mature hedgerows and standard trees confined to the boundaries of the land proposed for development, many of which are visible from the public domain. They are also an important resource for wildlife, including the potential to provide habitat and foraging opportunities for protected species including bats and nesting birds.

7.8.2 The construction phase of the development has significant potential to adversely impact the on and off site trees and hedgerows. A total of 12 individual trees and 4 groups of hedgerow trees have been identified in relation to the development. A total of three 8 metre sections of hedgerows are proposed for removal in order to accommodate the development proposals. All other trees and hedgerows are to be retained and protected which is considered to be acceptable. A landscaping plan has been submitted which includes works to bolster existing hedges, and incorporate new feathered trees and new native hedgerows. The species selected, size at planting and quantity/planting densities are all acceptable. However, a 10 year maintenance regime needs to be identified and include a clear commitment to replace any hedge plants or trees that fail to establish during the initial 10 year period post planting. Replacements must be made on a "like for like" basis unless otherwise agreed in writing. This can be adequately controlled by condition. As such, it is not considered that the development will have a significant impact on existing trees or hedgerows and does include proposals for additional planting which should increase the screening of the site.

7.9 Flooding and Drainage

7.9.1 In relation to drainage, the submission sets out that rainwater falling on the existing site currently falls onto a grassed or arable crop surface and infiltrates naturally into the soil. The solar panels will intercept rainwater and shed it onto the ground on the lower edge of each panel, also known as the drip-line. Whilst the panels would result in a concentration of rainwater along the drip-line of each row, water would be intercepted by the grass growing between and underneath the panels and be allowed to infiltrate into the underlying soils in much the same way as the existing site conditions. Between each set of panels there is a proposed 'rain gap' and rain will therefore not all be collected on the bottom edge of the array. A small part of the site is within flood Zones 2 and 3. The Environment Agency have been consulted and have raised no objections subject to the new access tracks being surfaced in a permeable material.

7.10 Aviation

7.10.1 The NPPG advises that the impact on aircraft safety should be taken into consideration. As such the relevant aviation bodies have been consulted. However, none have raised any objections.

7.11 Impact on sewerage infrastructure

7.11.1 United Utilities has 3 large diameter critical public sewers that cross the middle of the site that run into the Lancaster WwTW. The middle one has a formal easement of 20 feet (6.09m approximately)

and the outer ones require access strips of 13m, 6.5m either side of the centre line of the sewers as specified in the current issue of "Sewers for Adoption", for maintenance or replacement. United Utilities require 24-hour unrestricted access to these sewers and unrestricted access to Lancaster WwTW. The agent has confirmed that they have had discussions with United Utilities regarding this matter and the layout of the panels has been amended to address this. They have also discussed the issue of cables crossing the sewers, and given the 6.5m depth to the crown of the sewer and their proposal to cross the sewers at ninety degrees and at less than 1m below ground level, this is not of concern.

7.12 Contribution towards renewable energy

7.12.1 It is estimated that the site will now produce 4,570MWh of renewable electricity per annum, given the changes that have been made to the scheme to reduce the number of panels. The agent has set out that this equates to a saving of 2,696 tonnes of CO2 per year, and enough power to supply approximately 1,385 homes. In relation to renewable energy, paragraph 98 of the NPPF sets out that local authorities should not require applicant to demonstrate the overall need for renewable energy and applications should be approved if the impacts are or can be made acceptable.

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 will provide an important contribution towards renewable energy. As set out above, it is considered that there will be some impacts on views from the adjacent path along the Lune Estuary, although these will be mitigated to some extent by existing hedgerows and proposed planting. The more visually intrusive part of the site has been removed from the scheme. The proposal still needs to comply with the Habitats Regulations and hopefully the additional information provided will address the concerns. Subject to a positive response from Natural England and County Ecology, it is considered that the benefits of the proposal outweigh the potential impacts and the proposal is therefore considered to comply with both Local and National Policy.

Recommendation

Provided that the additional ecological information addresses the concerns raised by the ecological consultees, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year time condition
2. Amended plans
3. Construction method statement including:
 - a) The parking of vehicles of site operatives and visitors
 - b) The loading and unloading of plant and materials
 - c) The storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding
 - e) Wheel washing facilities
 - f) Measures to control the emission of dirt and dust during construction
 - g) Details of working hours
 - h) Contact details of the site manager.
 - i) Temporary highway signage and warning signs at the 2 access points and along Arna Wood Lane and Stodday Lane
 - j) Details of the HGV routeing to/from the site
 - k) The location and operation of a park and ride system for site staff during the construction phase
4. Scheme for the construction of the access points.
5. Implementation of the Arboricultural Implications Assessment detailed within the Arboriculture Appraisal dated, 24.10.14
6. Implementation of planting proposals and submission of maintenance regime and a commitment to replace any trees/plants that fail to establish during this 10 year period post planting.
7. Habitat management plan
8. Access and maintenance roads to be constructed using permeable materials, precise details to be provided.

9. Details of materials for substation
10. Colour and finish of pole for CCTV
11. Details of boundary treatments
12. Ecology mitigation including Great Crested Newts
13. All cabling underground
14. Reinstatement of land after 25 years in accordance with scheme to be submitted
15. If the solar panels fail to produce electricity for a continuous period of 12 months the panels and associated equipment shall be removed from the site and the land shall be reinstated within a period of 3 months from the end of that 12 months in accordance with a reinstatement scheme.
16. No structure should be erected within 6.5 metres of a 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:

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, and requesting further information, 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 A9	Committee Date 7 April 2015	Application Number 15/00058/VCN
Application Site Land East Of Coastal Road Coastal Road Bolton Le Sands Lancashire	Proposal Erection of 37 dwellinghouses with associated new access and landscaping (pursuant to the variation of condition 2 on planning permission 13/00029/FUL to amend house types on plots 12, 13, 14, 15, 16, 17, 18, 35, 36 and 37)	
Name of Applicant Oakmere Homes Ltd.	Name of Agent Harrison & Pitt Architects	
Decision Target Date 24 April 2015	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approve subject to receipt of a signed Deed to the Unilateral Undertaking (s106).	

1.0 The Site and its Surroundings

- 1.1 The triangular 1.48ha application site is situated between Coastal Road (A5105) and Lancaster Canal in the southern part of Bolton-Le-Sands. It is bound by Coastal Road to the northwest and a combination of field boundaries and domestic curtilage boundaries (namely 67 and 83 Coastal Road) to the remaining site edges. The canal runs almost parallel to Coastal Road at an elevated position to the south east of the application site.
- 1.2 The site is now under construction (implementation of planning permission 13/00029/FUL). There are protected trees which run along the boundary with Coastal Road that have been retained, with the exception of those removed to facilitate the construction of the access point. The site slopes downwards from south east to north west, with a maximum fall of circa 10.5m across the site. The high part of the site is adjacent to the canal. The lower section of the site abuts Coastal Road. The immediate surrounding area is largely residential with a mix of 1 to 2 storey semi-detached and detached properties predominating. Due to the diverse range of property styles the area is not characterised by any particular design of property nor is there a dominant palette of materials applied to these houses. However, the presence of mature trees and hedgerows along Coastal Road, existing native hedgerows, the presence of the canal itself, together with the topography of the area, contributes to local distinctiveness and underpins the suburban character of the immediate area.
- 1.3 Other designations in the locality include those affecting the canal towpath (National Strategic Cycle Network Route No.6); Public Footpath No.7 (off Coastal Road) and Primary Bus Routes. The site is designated in the Lancaster District Local Plan as a Housing Allocation surrounding by designated Countryside Area. The adjacent Lancaster Canal is a Biological Heritage Site. The site does not lie within the designated Green Belt.

2.0 The Proposal

- 2.1 The applicant has submitted a Section 73 (s73) application to vary condition 2 of planning permission 13/00029/FUL relating to the approved plans. The purpose of the application is to amend the approved housetypes on 10 of the 37 plots. The revisions have led to modest changes to the site layout plan too.
- 2.2 The proposals seek to replace the previously approved 'house type G' with a new house type (called Thirlmere) on plots 12, 13 and 16. The changes relate to a marginal increase in height and the addition of a two-storey projection to the rear elevation with changes to the layout within the plot and external materials. Plots 12 and 13 are marginally repositioned within the plot. Plot 16 is relocated further west as a consequence of the changes to plot 15.
- 2.3 Plot 15 (previously approved 'house type G') is proposed to be replaced with a new house type (called Kirkstone). This new house type has a larger footprint but is no taller than the previously approved house type. The two-storey element is wider (but not significantly wider), with an attached single garage added to the side elevation. The fenestration has been revised with two gable features on its façade and alterations to the use and extent of stone/render to the front elevation. This has resulted in the development moving approximately 2m closer to the western boundary (relating only to the row of properties facing towards the canal).
- 2.4 Plot 17 and 18 are located with their rear elevations facing Coastal Road adjacent to the approved area of open space and SuDS attenuation area. The proposals seek approval to replace approved 'house type J' with two new housetypes (Bowfell V1 and Wasdale V1) which have split levels internally to deal with the external levels and are repositioned closer to Coastal Road than the previously approved dwellings. The dimensions of the proposed new dwellinghouses vary marginally from the approved house types. The fenestration and internal layout of both new house types vary from the approved dwellings and now incorporate integral garages and driveways down one side of each of the dwelling units.
- 2.4 The proposals seek approval to replace previously approved 'house type E' with a new house type (called Wasdale) on plots 14 and 37. The design and appearance of this new house type is materially different to the approved house type. The use and extent of materials and the fenestration have been revised with two-storey gable features incorporated on the front elevation. The height of the proposed dwelling is circa 0.1m taller than the previously approved house but not as wide.
- 2.5 Plots 35 and 36 are located on the east side of the main spine road close to the open space. The proposal seeks to replace the previously approved 'housetype L' on these plots with a new house type (called Grasmere). The proposed changes are quite significant and effectively amount to the approved dormer bungalow being replaced by a large two-storey dwelling. The width of the proposed dwelling is marginally less than the approved scheme and the overall ridge height just under 1m taller, though the removal of the hipped roof from the approved housetype and its replacement with a typical two-storey gable adds significant bulk to the proposed house type. The internal layout, fenestration and use and extent of materials have been altered in this re-design.
- 2.6 For clarification, the materials remain as approved though the amended house types vary in terms of the extent of stone/render to the elevations proposed.
- 2.7 The original planning permission was subject to a Unilateral Undertaking under s106 of the Town and Country Planning Act 1990. This was to secure the provision of on-site affordable housing (11 units). This application has been accompanied with a draft Deed to vary the Undertaking to account for this s73 application, but also includes modest changes to the terms of the Undertaking to account for the requirements of the Registered Provider.

3.0 Site History

- 3.1 The most recent planning history is summarised in the table below. There has been an outline application for up to 77 dwellings for the whole site allocation considered by Members and resolved to be approved (14 November 2011), subject to the signing of the legal agreement. This application is still pending but the authority has received correspondence to initiate this outline application advancing, albeit after some considerable time. A full planning application for 37 dwellings was later submitted and subsequently allowed on appeal following the Members resolution to refuse planning

permission against the Officer's recommendation. Since then the developer has agreed all their pre-commencement conditions and has sought approval for some non-material amendments.

Application Number	Proposal	Decision
15/00069/NMA	Non-material amendments to vary housetypes on plots 6-11, 19 - 34.	Permitted
14/01047/NMA	Non-material amendments to vary housetypes on plots 1-8	Permitted
13/00029/FUL	Erection of 37 dwellinghouses with associated new access and landscaping.	Allowed at Appeal
10/00830/OUT	Outline application for the erection of up to 77 dwellings and creation of new access onto Coastal Road	Resolved to be approved (14.11.2011) subject to the signing of a legal agreement. The legal agreement has not yet been signed.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No adverse comments or recommendations.
Tree Protection Officer	Initial objection removed. The amended positions for house types on plots 17 and 18 are closer to the protected trees. Comments provided indicating that the development will be close to the root protection areas of these trees and that the development must be carried out in accordance with their approved arboricultural method statement.
Parish Council	No adverse comments
Canal & Rivers Trust	No comments on the amendments proposed.
Council's Drainage Engineer	No objections – the amendments will not have an adverse impact on the proposed and agreed drainage for the site.
Lancashire Fire & Rescue Service	Generic comments in respect of Building Regulations provided.

5.0 Neighbour Representations

5.1 At the time of compiling this report only 1 letter has been received. This is an objection letter on the grounds that the local community are totally against any development on this site; the natural beauty and views of the Bay and Lakeland Fells from the canal will be lost; the development will change the fabric and character of the area; increase in traffic and traffic related accidents; pressure on local services and drainage concerns.

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, 57, 58, 60, 61 and 64 – Design
 Paragraphs 186, 187, 196, 197, 203 -206 – Decision making
- 6.2 Lancaster District Development Management DPD
 Policy DM29 – Protection of Trees, Hedgerows and Woodland
 Policy DM35 – Key Design Principles
 Policy DM41 – New Residential Development
- 6.3 Lancaster District Core Strategy
 SC1 – Sustainable Development
- 6.4 Lancaster District Local Plan
 Saved Policy H2 – Housing Sites in Previous Local Plans

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

7.0 Comment and Analysis

- 7.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph 013, NPPG) – i.e. - amendments that are more than non-material but such that the amendments would not result in a substantially different development to that approved. The NPPG clearly states that *'in deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application'* (paragraph 031, NPPG).
- 7.2 In this case, the main issues relate to design and amenity considerations associated with the revised house types proposed by this section 73 application. The principle of residential development on the site is acceptable and is enshrined in current Development Plan policy (housing allocation). The site has also had the benefit of a recent planning permission which was allowed at appeal.
- 7.3 The principle of developing the site has already been established and accepted by this Council and the Planning Inspectorate. Objections in relation to the loss of greenfield and the impact this has on the area are not relevant to this current application which seeks to amend house types. However, ensuring the amendments still represent an acceptable form of development in design and amenity terms is a material consideration.
- 7.4 Both national and local planning policy requires new development to respond well to local distinctiveness and character. The design, layout and appearance of the previously approved scheme was considered good design as advocated by the NPPF. The proposed amendments do not alter the overall design approach or overall layout of the development.
- 7.5 In the majority of cases the proposed revisions do not fundamentally alter the dimensions of the house types proposed on the individual plots – nor are the types of houses (detached/semi-detached/terraces) revised by this application. As Officers understand, the developer has simply sought to amend the previously approved house types to reflect their current portfolio of house types. Notwithstanding this, the revisions are generally sympathetic and remain high quality in terms of scale and external appearance.
- 7.6 Some of the larger house types have been revised to incorporate features such as integral garages, two storey gable projections, lean-to porch additions to some of the front elevations and the addition of bay windows. Changes to an extent and use of materials in all cases are acceptable and not dissimilar to the previously approved house types. These details are acceptable and add character to the development and would support the overall design of the scheme.
- 7.7 The most notable changes concern plots 17, 18, 35 and 36. In the case of plots 17 and 18, this s73 application originally proposed to relocate these two plots significantly closer to the protected trees along Coastal Road. Officers raised concerns over these revisions (use and size of gardens and impact on trees) and have subsequently negotiated amendments. Whilst the plots do still move closer to Coastal Road their repositioning within the plot should not compromise the protected trees provided the approved Arboricultural Method Statement is adhered to, particularly in relation to ground works and level changes in close proximity to the recognised root protection areas. Should Members support this application, conditions would be repeated to ensure adequate protection of existing protected trees.
- 7.8 The revised house types for plots 17 and 18 have been designed to address the topography of the site with an internal split level at ground floor. This approach is supported as it ensures that the external levels are not significantly altered instead, which could have greater implications for the protected trees and the visual appearance of the scheme when viewed from Coastal Road. In terms of garden sizes, these plots were approved backing onto quite substantial trees with the tree canopies relatively close to the dwellings themselves. The encroachment closer to the trees does not necessarily improve this relationship but would not be such that a refusal could be substantiated. The overall garden size exceeds the 50 sq.m of useable garden space and would provide sufficient private amenity space, despite them not meeting the Council's recommended 10m depth

requirement. Therefore the proposed amendments to plots 17 and 18 are considered acceptable.

7.9 Plots 35 and 36 are positioned along the eastern side of the development stepping uphill towards the approved area of public open space. These two plots previously had consent for large detached properties which were effectively (with the exception of a two-storey gable element) dormer bungalows. The proposed replacement house type is a substantial two-storey detached dwelling providing 4 bedrooms and an integral garage. The previous house type (and the ones approved for plots 6-8) did not include an integral garage but still proposed 3 or 4 bedrooms (as two options for this plot have been approved under a non-material amendment application). The internal layout is of no significant concern, however, the proposed changes add significant bulk to the proposed units on these plots, mainly through the removal of the hipped roof and its replacement with a typical two-storey building with pitched roof. They are also just under 1m taller than the approved house types. That said, given their position within the development site, the increased scale and bulk is not likely to lead to a significant adverse impacts to residential and/or visual amenity. The application has been accompanied with a short streetscene showing how the increase in scale would not appear out of keeping with the rest of the development or the surroundings. In terms of residential amenity, whilst there is an increase in bulk and first floor windows to the rear have been added, the proposals would not lead to significant adverse overlooking or overbearing impacts as a consequence of their position within the site, boundary treatments and the site contours.

7.10 The proposed revisions to the house types have resulted in minor changes to the site layout. This relates mainly to the plots running along the highest part of the site (facing the canal), where the increase in footprint on plot 15 has meant the neighbouring plots have had to shuffle westwards. The development is now slightly closer to the western boundary and the existing neighbouring dwelling to this side but remains well within the Council's accepted interface distances (distance measures approximately 19m). On this basis, the revisions to the layout are deemed acceptable.

7.11 **Conditions**

Paragraph 203 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Paragraph 206 states that planning conditions should only be used where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. The Inspector when allowing the appeal for the original scheme imposed a number of planning conditions. The developer has in part satisfied these conditions but as development is still under construction and not completed, they cannot be discharged in full. As such it is necessary to repeat these conditions but reworded to reflect the details agreed under recent discharge of condition applications. This approach accords with the NPPG which states that *decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged (paragraph 031).*

8.0 Planning Obligations

8.1 The application has been accompanied by a draft Deed to amend the Unilateral Undertaking. In addition, the application has been accompanied with a supporting letter from Great Places Housing Group (Registered Provider) explaining the need to make minor changes to the terms of the Undertaking. The Deed seeks to include a mortgagee in possession (MIP) exemption clause. Officers accept this is quite common and that the majority of our Agreements now include such clauses. In this particular case, Great Places have reassured Officers that in reality the inclusion of such a clause is theoretical as they would still be regulated by the Homes and Communities Agency (HCA) and the HCA would step in if their continued existence looked at risk, potentially ensuring another Registered Provider stepped in to maintain the affordable housing stock. MIP exemption clauses allow Registered Providers to secure the maximum amount of finance against assets to fund future development of affordable housing. These amendments do not alter the provision and type of affordable housing required by the original permission and Undertaking. Officers are currently waiting on the final signed Deed to be submitted to the Local Planning Authority.

9.0 Conclusions

9.1 The proposed amendments to the layout and house types do not fundamentally deviate from the originally approved development. The amendments maintain and secure a high quality form of development that accords with local planning policy DM35 and section 7 (requiring good design) of the NPPF. On this basis, Members are recommended to support the application.

Recommendation

Subject to the receipt of a signed Deed of Undertaking, that condition 2 on planning permission 13/00029/FUL **BE VARIED** to state:

1. The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans detailed below:
Site Layout Plan – Dwg No. 1667-012_X
Streetscene A (plots 34-36) received 23 March 2015
Plot 1 and 11 – Ascot House type 1667-201 A and 1667-200 B
Plots 2-3 – House type K Dwg No: 1667-246 Rev B
Plot 4 – House type J Dwg No: 1667-241 Rev B
Plot 5 – House type O Dwg No: 1667-266 rev A
Plots 6-8 – House type L Option 1 Dwg No: 1667-250 F and 1667-251 E
Plots 6-8 – House type L Option 2 Dwg No: 1667-298 D and 1667-296 E
Plots 9 and 10 - Borrowdale House type -Dwg Nos: 1667-221 A and 1667-220 B
Plot 12, 13 and 16 – House type Thirlmere V1 Dwg Nos: 1667-230 B and 1667-231 A
Plot 14 and 37 – House type Wasdale V1a Dwg Nos: 1667-275 C and 1667-276 C
Plot 15 – House type Kirkstone Dwg Nos: 1667-255 A and 1667-256 A
Plot 17 – Housetype Bowfell V1 Dwg No. 1667-216 D and 1667- 215 F
Plot 18 – Housetype V 1 Elevations Dwg No: 1667-226 D and 1667-225 D
Plot 17 and 18 – Section A-A Dwg No. 1667-SK07
Plots 19 and 33 – Derwent House type (V1) Dwg Nos: 1667-205 B and 1667-206 B
Plots 20 and 34 – Derwent House type (V1a) Dwg Nos: 1667-280 B and 1667-281 A
Plots 23 and 32 – Derwent House type (V2) Dwg Nos: 1667-284 B and 1667-285 A
Plot 26 – Derwent House type (V2a) Dwg Nos: 1667-287B and 1667-288 A
Plots 21, 24 and 30 – Rothay House type V1 Dwg Nos: 1667-260 A and 1667-261 A
Plots 22 and 31 – Rothay House type Dwg Nos: 1667-290 A and 1667-291 A
Plot 25 – Rothay V1a Dwg Nos: 1667-262 A and 1667-263 A
Plot 27 – Rothay V3 Dwg Nos: 1667-295 A and 1667-294 A
Plots 28 and 29 House type Eamont Dwg Nos: 1667-211 A and 1667-210 B
Plot 35 and 36 – House type Grasmere Dwg Nos: 1667-236 B and 1667-235 B
Reason: To ensure a satisfactory standard of development.

All the other conditions attached to planning permission 13/00029/FUL will be applied to the new planning permission but varied to account for details approved under the relevant discharge of condition applications.

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

Agenda Item A10	Committee Date 7 April 2015	Application Number 14/01309/VCN
Application Site 119 Main Road Bolton Le Sands Lancashire LA5 8DX	Proposal Construction of 12 apartments (pursuant to the variation of condition 3 by way of amended plans and the removal of conditions 4 and 5 in relation to affordable housing provision and removal of conditions 6 and 7 in relation to sheltered accommodation for people over 55 years on previously approved application 11/01037/RENU)	
Name of Applicant Daffodil Homes Ltd	Name of Agent Harrison Pitt Architects	
Decision Target Date Formal extension of time until 28 April 2015	Reason For Delay Awaiting further information	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The site is located within the centre of Bolton-le-Sands on the east side of Main Road. It relates to part of the grounds associated with the former vicarage, situated to the north of the site. It was previously used a children's home before being converted to two dwellings. An additional dwelling was also constructed adjacent to this, to the north east of the site. The site and these properties are served by an access road which was created to serve these dwellings. The grounds of the former vicarage are enclosed by a tall boundary wall and contain a number of mature trees which are subject to a Tree Preservation Order. The site is also located within the Bolton-le-Sands Conservation Area and the Countryside Area, as identified on the Local Plan Proposals Map. The land to the south east of the application site forms part of the North Lancashire Green Belt.

2.0 The Proposal

- 2.1 Consent is sought for the variation of conditions on the previously approved application for 14 apartments on the site. There are some modifications in the design and layout, including the reduction in the number of units from 14 to 12, which require the variation of condition 3 relating to approved plans. Conditions in relation to affordable housing provision and the restriction of the accommodation to people over 55 are also proposed to be removed.

3.0 Site History

- 3.1 The site has a limited planning history, because any alterations and extension in association with the children's home would have been undertaken as permitted development by Lancashire County Council. The only recent application was an outline application for 16 houses submitted by Lancashire County Council in 2002 (02/00305/OUT). The application was refused in May 2002, on the grounds of poor highway layout, parking provision and the loss of trees/impact upon the Conservation Area.

More recent planning history is set out below:

Application Number	Proposal	Decision
07/01407/FUL	Conversion of former children's home to 2 dwellings, demolition of staff dwelling and erection of 1 dwelling	Approved
08/00883/CU	Change of use of barn to office and garage	Approved
08/00803/FUL	Construction of 14 no. apartments	Withdrawn
08/01145/FUL	Construction of 14 no. apartments for use/sale to over 55s	Approved
09/01003/FUL	Creation of 5 additional car parking spaces	Approved
11/01037/RENU	Renewal of application 08/01145/FUL for the construction of 14 no. apartments for use/sale to over 55s	Approved

4.0 Consultation Responses

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

Consultee	Response
Bolton le Sands Parish Council	Concerns raised over parking, access and loss of affordable housing provision.
Environmental Health	No objection
Tree Protection Officer	No objection
Conservation Officer	No comments received
County Highways	No objection
Canal and River Trust	No comments to make
County Council Planning - Education	Based upon the latest assessment, seek a contribution for 1 primary school place but none towards secondary school places.
County Council Minerals Planning	No comments received
Fire Safety Officer	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 None 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 32 – Access and Transport
 Paragraphs 49 and 50 – Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC5 – Achieving quality in Design

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

E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
 DM22 – Vehicle Parking Provision

DM27 – Protection and Enhancement of Biodiversity
 DM29 – Protection of Trees, Hedgerows and Woodland
 DM31 – Development Affecting Conservation Areas
 DM32 – The Setting of Designated Heritage Assets
 DM35 – Key Design Principles
 DM41 – New Residential dwellings
 DM42 – Managing Rural Housing Growth
 DM45 – Accommodation for Vulnerable communities

6.5 Other Material Considerations

Meeting Housing Needs Supplementary Planning Document

7.0 Comment and Analysis

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

- Affordable housing provision
- Local occupancy restriction
- Removal of age restriction
- Local occupancy restriction
- Scale, design and impact on Conservation Area
- Impact on residential amenity
- Parking provision
- Impact on trees
- Education contribution

7.2 Affordable housing provision

7.2.1 The application seeks to remove conditions 4 and 5 of planning consent 11/01037/RENU which relate to the provision of affordable housing on site. These conditions require 4 shared-equity units to be provided on site and an Agreement to be entered into covering the provision and maintenance of the affordable units. The level of affordable housing was 29% of the overall development. In order to justify this, a viability appraisal has been submitted, although this was only received after the application was submitted. There was a lack of evidence to support the figures put forward and as such further information has now been submitted. However, during the course of assessing this, it has been realised that the information relates to the 14 restricted occupancy retirement apartments rather than the 12 open market dwellings now proposed.

7.2.2 There are concerns that revenues have not been robustly evidenced. There is a discrepancy between the types and sizes of the developments considered in the appraisal and the actual proposed development. The submitted supporting report considers only new build retirement properties, and whilst this reflects the existing permission, it is understood that the applicant proposes to remove this restriction. Consequently, there are concerns that the Open Market Values arrived at are not satisfyingly robust. Notwithstanding this, the difficulty in valuing smaller flats in this area is recognised and there is limited information on comparable properties and so comparators from further afield are relied upon. As a consequence, the proposed market value put forward may transpire to be reasonable.

7.2.3 Following the receipt of further information in relation to build costs, it has been shown that Building Cost Information Service (BCIS) figures have been used which is an appropriate method for identifying a base build cost. The figures provided show that a median figure has been used. The applicant has subsequently added 10% to this base build cost to account for external works. This was not clear from the initial submitted viability appraisal and raises a number of questions, such as whether it is appropriate that 10% of all build costs (approximately £90,000) on this site will be for external works and is this amount likely to be accurate where development has already recently occurred on site. It is considered that a more detailed approach to external costs is warranted to ensure costs in relation to this are not unduly inflated. The report indicates that the cost of finance for the project should be in the region of 7.5%. It is considered that this can be achieved for less. However, it is unlikely that the discrepancy would significantly alter the outcome of the appraisal.

7.2.4 The land costs put forward are unacceptable. The developer seeks to apportion the historic costs

paid for the land according to the saleable floor space which can be provided by each area. Whilst this may sound equitable enough in theory, in practice what results is a very uneven distribution of the historic land acquisition costs towards the development under consideration, with 69% of land acquisition costs being borne by the second phase of development. There is no recognition that at the time of purchase the site had no permission and was occupied by a dwelling. It is considered that the costs paid were principally for the former vicarage and land immediately associated with it, plus some premium hope value associated with the remaining land now under consideration. The approach which the developer is now taking represents a revision of the reality at the time of purchase. Even if it is accepted that the developments should share the historic cost of land acquisition, there is no reason that the applicant's method should be preferred. From the information provided to accompany the proposal, it is clear that the split between the two sites, based on likely realisable revenues, would have been closer to 56%.

7.2.5 On the basis of the above it is considered that it has not been robustly demonstrated that affordable housing provision is wholly unviable. It is considered that inadequate information has been provided to form robust conclusions on these matters and there may be scope for the Council's adopted policies to be met.

7.2.6 It has also been set out reasons why the affordable housing could not be provided on site. The applicant has set out that the development comprising properties intended for elderly people may not be suited to Registered Providers (RPs) and so a contribution is more appropriate. Furthermore, the development will be managed by a separate management company so residents will have service charges which may make the development unappealing to both RPs and future RP residents. The first point is not relevant as the developer is seeking to remove any condition which would control the age of residents. On the second point it is agreed that the properties, because of the future access and management arrangements, may well be difficult to allocate to a RP. It is therefore considered that a financial contribution would be appropriate in this situation. To reiterate the comments above, it is not considered that sufficient evidence has been provided to demonstrate that any level of financial contribution would make the scheme unviable.

7.3 Removal of age restriction

7.3.1 The submission proposes to remove condition 6 which restricts occupancy of the units to 55 years and over. Although the Development Plan encourages the creation of accommodation to meet different needs, there is no policy justification for not allowing this condition to be removed given that Bolton-le-Sands is a location where new residential development is supported, as set out in policy DM42 of the Development Management DPD (DM DPD). As such the removal of this condition is acceptable but does potentially raise other issues.

7.4 Local Occupancy Restriction

7.4.1 Removal is also sought for Condition 7 which restricts all the units on the site to local occupancy, limiting them solely to persons already permanently resident within the administrative District of Lancaster City Council, its adjoining local authorities or directly connected by current family links with the District. Bolton-le-Sands is a location where new residential development would be supported, as set out in policy DM42 of the DM DPD, and there is no current policy basis to restrict the dwellings to local occupancy. However, it would be expected that, if affordable units were provided on site, they would be subject to a local occupancy clause.

7.5 Scale, Design and Impact on Conservation Area

7.5.1 The application seeks consent for some alterations to the previously approved scheme. The development will consist of a main three storey building with a central glazed element, and smaller two storey elements at either end. Most of the apartments will be accessed via the central door with the exception of the outer units which will be accessed via individual doors and external steps, in the case of two of the second floor units. The building is a similar length to that previously approved but is slightly wider. The internal alteration has been changed to reduce the number of units from 14 to 12 which has increased the floor area of some of the apartments. The previously approved scheme had a smaller central three storey section with longer two storey elements at either end. The current application increases the length of the central element from 17 metres to 23 metres across the front elevation but reduces the length and height of the two storey elements. This makes the central section of the building the much more dominant part. The building is still proposed to be finished in stone on the front and side elevations, with render on the rear, and have a slate roof. There are

additional external stairs proposed on either side elevation to provide access to the end two storey apartments.

7.5.2 The site is located within the Conservation Area but is set back from the highway within the confines of the grounds of the former vicarage. As such, it is not considered that the changes to the design will be detrimental to the character or appearance of the Conservation Area or the area in general.

7.6 Impact on Residential Amenity

7.6.1 The proposed alterations to the approved plans include the creation of an external staircase on both side elevations to provide access to the end units on the first floor. The plans show these with a glazed balustrade leading onto a balcony/terrace. To the north east of the site is a residential property. The creation of this access and balcony is likely to result in a loss of privacy to this neighbouring property. Given this, an amended plan has now been submitted which increases the height of the balustrade to 1.8 metres and shows this with obscure glazing. As such, it is not considered that there will be a detrimental impact on the amenities of this property.

7.7 Parking Provision

7.7.1 The original application on the site proposed parking for 7 cars, two constructed to mobility standard and 5 designed to Lifetimes Homes Standard. This was considered to be an acceptable level of parking provision given the age restriction on the properties. An application was granted in 2009 for an additional 5 spaces to serve this development but these have not been created. The applicant has set out that this has been implemented, however there is no evidence of this as the area is currently grassed and the curb line is still in place. The current application proposes the creation of 10 standard spaces to the front of the building, and 1 mobility space. An additional 4 spaces were proposed on the opposite side of the access track, in the location of the previously approved 5 additional spaces, in the form of a car port. However, it was discovered that these fell outside the boundary of the original application and as such could not be considered as part of the current application. In order to address this, a separate application has now been submitted.

7.7.2 The car parking standards set out in the DM DPD set a maximum of 2 spaces for 2 bedroom units. It would usually be expected that 1.5 spaces would be provided per unit to serve this type of development which would result in 18 spaces. It is also noted that Main Road in the vicinity of the site is already congested with parked cars – a concern raised by the Parish Council. The site is also very sensitive being located within the Conservation Area and containing a number of protected trees. As such, parking on the grassed areas within the grounds would be undesirable.

7.7.3 In response to the application, the Highways Officer set out that the application site is centrally situated within a highly sustainable location, in walking distance of a range of shops, public services and public transport routes. In terms of planning policy and guidance, while recently adopted Development Management policy emphasises the provision of adequate parking facilities such as to ensure that excessive levels of on-street parking are avoided, it is contended that, given the highly accessible location, with ready access to public transport services, that one space is sufficient and would not lead to a severe highway impact on surrounding areas of the public highway network. The Highways Officer also does not consider it to be likely that Main Road would be used as an overspill parking facility for residents, lying some distance from the application site. County Highways do not consider that the proposal would have a material impact on the operation or safety of the surrounding public highway network as a whole.

7.7.4 The comments from the Highways Authority are based on the four additional parking spaces provided by the carport. A separate application has now been received in relation to this, and if considered to be acceptable, it is considered that the two applications could be linked to ensure that there is sufficient parking to serve the development. This would need to be done by way of a Unilateral Undertaking. The applicant does consider that the previous consent for the five parking spaces has been implemented, however there is no evidence of this on site and as such it cannot be relied upon for the additional parking provision.

7.8 Impact on Trees

7.8.1 There are a number of trees covered by a Tree Preservation Order which are mainly towards the edges of the site and next to the access drive. The position of the building has moved slightly

towards the rear of the site but is still a sufficient distance from the trees which are located on a raised banking. The site has also seen a number of tree removals since the original planning application submission in 2008. As already set out above, there is potential for overspill parking adjacent to the access road, on the grassed area. This not only has the potential to impact on the character and appearance of the site but also to impact on the trees. County Highways suggested that a double curb could be installed to discourage parking. Given the sensitive nature of the site, which is within a Conservation Area, something less intrusive would be more appropriate. The curb to the access has also already been created. A bollard and chain system would be more sensitive to the character of the site and area in general and less intrusive on the trees. This could be controlled by an additional condition added to the consent.

7.9 Education Contribution

7.9.1 As the age restriction is proposed to be removed, Lancashire County Council has requested a contribution towards 1 primary school place. The response sets out that the contribution is directly linked to the development proposed and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for a child expected to live at the development. This has been calculated at £12,029.62. The response goes on to say that failure to secure the contributions sought would mean that the County Council cannot guarantee that children living in this development would be able to access a school place within a reasonable distance from their homes. The agent has been made aware of the request but has queried various aspects of this, including the methodology and how it relates to the development proposed. The County Council has been asked to respond to the queries raised and this will be reported at the meeting.

8.0 Planning Obligations

8.1 A Legal Agreement may be required to secure the financial contribution towards education, as requested by the County Council, to secure a financial contribution towards affordable housing, depending on further viability information, and to link this proposal to that for the carport.

9.0 Conclusions

9.1 Although the alterations to the layout and design of the scheme are considered to be acceptable, it has not been robustly demonstrated that the provision of affordable housing is wholly unviable. As such, the removal of the conditions in relation to affordable housing cannot be removed unless an appropriate alternative financial contribution is proposed or more detailed and robust information is provided to demonstrate that it would make the scheme unviable. The proposal is therefore considered to be contrary to policy DM41 of the Development Management DPD and the Meeting Housing Needs SPD in addition to paragraph 50 of the NPPF.

Recommendation

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

Insufficient information has been provided in order to robustly demonstrate that the provision of affordable housing is wholly unviable. As such, the proposal is contrary to Section 6 of the National Planning Policy Framework, Policy DM41 of the Lancaster District Development Management Development Plan Document and the Meeting Housing Needs Supplementary Planning 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.

The local planning authority has attempted to work proactively with the applicant/agent by requesting further information to help support the proposal. Regrettably has not addressed the concerns and the proposals are unacceptable for the reasons prescribed in this report.

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 A11</p>	<p>Committee Date 7 April 2015</p>	<p>Application Number 14/01080/CU</p>
<p>Application Site Lentworth Hall Farm Abbeystead Road Abbeystead Lancaster</p>	<p>Proposal Change of use and conversion of existing redundant barn to agricultural workers dwelling (C3)</p>	
<p>Name of Applicant Mr And Mrs Entwistle</p>	<p>Name of Agent Mrs Hilary Brown</p>	
<p>Decision Target Date 1 December 2014</p>	<p>Reason For Delay Awaiting consultation responses</p>	
<p>Case Officer</p>	<p>Mrs Eleanor Fawcett</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be determined by the Planning Committee. The reason for the request relates to the need for the applicants to live on the site.

1.0 The Site and its Surroundings

1.1 This application relates to a large agricultural barn located on an existing farm complex, approximately 2 kilometres to the west of Abbeystead and 3.5 kilometres to the north east of Dolphinholme. It is attached to another traditional barn which adjoins a dwelling, Lentworth Hall Farm. The building is constructed from stone with a slate roof and appears to be well maintained. There are limited openings in the front elevation, the main one being a large barn door. The building is largely redundant from the agricultural operations on the unit and its agricultural use is limited to additional sheep housing during lambing time. The adjoining barn is longer but lower in height, and the dwelling is of a similar floor area to the application building, but is higher and is older. The barns front onto a large graveled courtyard area to the north, and the land to the front of the dwelling is enclosed by a low stone wall, forming its garden. To the south of these buildings are some other stone agricultural buildings arranged around a yard, and to the south east are more modern agricultural buildings associated within the farm complex.

1.2 The site is accessed via a long track off Abbeystead Road which also serves four apartments in a large building, Lentworth Hall, located approximately 13 metres to the south west of the barn. A large stone wall separates the courtyard at the application site. The end gable abuts this adjoining land and another large stone wall encloses the land to the rear. There are some mature trees adjacent to the west and southern boundaries. The site is located within the open countryside, as identified on the Local Plan Proposals map, and the Forest of Bowland Area of Outstanding Natural Beauty. There is a public footpath which follows the line of the track to the east of the farmhouse, through part of the farmyard. Much of the surrounding land, including the location of the more modern agricultural buildings, is owned by the Abbeystead Estate.

2.0 The Proposal

- 2.1 Planning permission is sought for the conversion of the barn to form an agricultural worker's dwelling associated with the existing farm operation at Lentworth Hall Farm. The accommodation will be over two floors and will comprise five bedrooms, a shared bathroom and ensuite at first floor, and a kitchen/dining room, living room, snug and utility room at ground floor. The existing openings will be utilised, with new windows and door openings in the front, rear, sides and both roof slopes. The dwelling is to serve the existing farm operation at Lentworth Hall Farm which is predominantly on land owned by the Abbeystead Estate. The existing dwelling is owned and occupied by the applicant's mother who also owns the traditional farm buildings, including the one to which the application relates. The applicant and family currently live in rented accommodation, on the Abbeystead Estate, approximately 1.7 kilometres by road to the north east of the site.

3.0 Site History

- 3.1 The most relevant site history is set out below:

Application Number	Proposal	Decision
14/00640/CU	Change of use and conversion of existing redundant barn to dwelling (C3)	Withdrawn
13/01191/FUL	Erection of a roof over handling area	Approved
12/00354/FUL	Erection of an agricultural building for machinery and housing of sheep during lambing	Approved

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
Environmental Health	No objection subject to agricultural occupancy conditions - despite potential for noise/odour issues arising from farm use. Also request conditions requiring submission of a preliminary risk assessment and standard contamination conditions.
Conservation	No objection subject to conditions requiring: details of all windows and doors (including colour & finish); details of conservation rooflights; new stone samples, including stone cills and heads; mortar sample; ridge, verge and eaves details; rainwater goods; and finish of flues.
Tree Protection Officer	No objection subject to conditions requiring: no trees to be cut down etc. without approval; submission of a Tree Protection Plan; and submission of Arboricultural Method Statement.
County Highways	No objection
County Archaeology	As the barn is likely to date to the late 18th century, it is therefore considered to be of some historic interest, showing the development and response to changing agricultural practices and economics over time. No objection subject to condition requiring a programme of archaeological building recording and analysis.
County Estates Surveyor	The operational needs of the unit create an essential need for an agricultural worker to live at or close to the place of work. If it were the case that the applicants did not currently have a residence which met this requirement, the Surveyor would advise that the proposed development was justified on operational grounds. Although its size is larger than a typical agricultural dwelling, it is understood that there are personal reasons for this. However, the proposed development would effectively create two dwellings for the unit which is not considered to be necessary.
Rights of Way Officer	No comments received
Ramblers Association	No comments received
United Utilities	No comments received
County Minerals Planning	No comments received

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 32 – Access and Transport
Paragraphs 49 and 50 – Delivering Housing
Paragraph 55 – Housing in Rural Areas
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

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

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

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM43 – Accommodation for Agricultural and Forestry Workers
Appendix C: Criteria for Housing Development for Rural Enterprise Workers

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of development
- Design
- Residential amenity
- Highway impacts
- Ecological impacts
- Impacts on trees
- Land contamination

7.2 Principle of development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM42 of the Development Management DPD (DM DPD) sets out a list of villages within which new residential development will be supported. It also states that new homes in isolated locations will not be supported unless clear benefits outweigh the dis-benefits as set out in paragraph 55 of the NPPF.

7.2.2 The application site is located in the open countryside, divorced from any of the villages listed in

Policy DM42. There are some limited services in both Abbeystead and Dolphinholme which can only be accessed via rural roads which have no footpaths, and there are no local bus services. Someone living in this location would be wholly reliant on private transport. As such, the site is considered to be within an unsustainable location. Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 7.2.3 Policy DM43 of the DM DPD sets out criteria in relation to accommodation for agricultural and forestry workers. In order to meet the criteria there must be a clearly identified functional need, the need must relate to a full time worker, the business must be established for at least three years and be financially sound, the functional need must not be able to be met by other accommodation in the area and the new dwelling should be sited to minimise the impact on the surrounding area. Appendix C supports this policy and sets out the tests for assessing the functional need and the financial soundness. An agricultural appraisal has been submitted with the application and the Estates Surveyor at the County Council has been consulted to provide advice on whether the proposal meets these tests.
- 7.2.4 Mr Entwistle farms 508 acres, all of which is land owned by the Grosvenor Estate and is farmed under three tenancy agreements. The agricultural buildings are located at Lentworth Hall Farm and comprise a range of traditional stone constructed buildings and steel portal frame structures. There is also a house at Lentworth Hall Farm which is owned and occupied by the Mr Entwistle's mother. She also owns the adjacent traditional farm buildings, but the more modern buildings are on land owned by the Estate. The principal enterprise comprises a flock of 850 breeding ewes. Up to 50 head of beef breed suckler cattle are purchased as weaned calves and sold as stores at 18 months of age. The applicant operates the farm on a full time basis. The house occupied by the applicants (Summershead) is located approximately 1 mile from the buildings where the cattle are over wintered, sheep are housed during lambing and in the spring and store lambs housed in the autumn.
- 7.2.5 The applicants have the opportunity to acquire the barn, subject to this application, with a view of converting it to a dwelling in order that their family can reside there. The applicants are proposing to move from the existing rented property to be on hand to manage the livestock and to provide a larger dwelling to accommodate the family of 5 children, as the current residence has just two bedrooms. There have been a number of operational reasons put forward to justify the applicants residing on the unit, and these reasons are focused upon the management of livestock whilst housed. The Estates Surveyor at the County Council considers the most significant to be the care for the sheep which are housed during lambing time. Mr Entwistle operates a conventional spring lambing system with lambing commencing from late March. With reference to the cattle, these are housed in the autumn typically as soon as they are purchased. The cattle are purchased as weaned calves and they require close management for a period until they become accustomed to being housed and being separate from their mothers. The applicants have also advised of dietary problems that can be encountered from housing store lambs. In addition to the operational matters, social implications associated with the supervision of their young children have been raised. This is partly relevant at lambing time as Mr and Mrs Entwistle share lambing duties with Mrs Entwistle dealing with the evening period. They are also assisted by a friend of the family during lambing.
- 7.2.6 As the applicants' dwelling is located approximately 1 mile from the agricultural buildings, the Estates Surveyor considers that, particularly during lambing, the agricultural operations would be best managed by the worker living at, rather than close to, their place of work. The lambing period though is a relatively short period in the calendar year, typically 6-8 weeks. It was also considered that the other operational matters referred to would relate to a number of days rather than weeks. Reference was made to the disruption to the water supply should the housed cattle cause the water bowls to leak, but this was not considered to constitute an essential need. The Estates Surveyor is also of the opinion that the essential need does not justify the applicants moving from their existing residence to a dwelling on the unit. It is considered that the agricultural operations constitute a full time worker requirement but there is not an operational need for two full time workers. With this in mind, it is evident that the agricultural unit is served by the dwelling currently occupied by the applicants and as

such the proposed dwelling would constitute a second dwelling for the unit which is not considered to be necessary. The Estates Surveyor did advise that, had this existing property not met the agricultural requirements for the unit, he would have advised that the essential need would be best served by the farm worker residing at a dwelling at Lentworth Hall Farm. However, it is not considered that the agricultural operations are sufficiently disadvantaged by the applicants residing at the existing residence.

- 7.2.7 The applicants disputed some of the information in the consultation response from the County Council regarding the functional need for a worker to be on the site. As such, further information was provided regarding the agricultural enterprise. Following a further consultation with the County Estates Surveyor, he maintained his previous opinion regarding the need for an additional dwelling to serve the farm operation. As it has been advised that it is considered that the applicants' existing property serves the need of one full time farm worker for the farming operation, then it would be difficult to come to a conclusion that there is a functional need to support a new dwelling in this location. It is also noted that there is a member of the family living at Lentworth Hall Farm, although not a farm worker, which would provide a level of security and surveillance. It would be unreasonable to restrict the existing dwelling on the site to agricultural use as there is only a justified need for one farm worker.
- 7.2.8 The proposal does re-use an existing building which does have some historic merit. The response from the County Archaeologist sets out that Lentworth Hall dates to the 17th century, but is thought to have an earlier 14th century foundation as a vaccary, whilst one of the barns on site is recorded as having a date stone of 1637. As the barn is likely to date from the late 18th century, it is therefore considered to be of some historic interest, showing the development and response to changing agricultural practices and economics over time. Although the building has some historic merit, it is not in a particularly poor state of repair and does not appear to be in danger of being lost in the near future. The land and building are also not causing harm in their present state to the character and appearance of the landscape. As such, it is not considered that the re-use of the redundant barn is sufficient to justify a new dwelling in a particularly isolated part of the District.
- 7.2.9 The agent has also referred to an application that was granted consent for two dwellings without an occupancy restriction. Each application must be determined on its own merits and although outside a settlement, the approved application related to a large disused barn, adjacent to a farm complex on a bus route in a less isolated location. It would also allow for an improvement to its setting. As such, it is not considered that the situation is directly comparable.

7.3 Design

- 7.3.1 The application proposes alterations to the building in the form of additional windows, doors and roof lights, with all existing openings also utilised. Amendments have been made from the previously submitted scheme which are now more sympathetic to the agricultural character of the building. As already set out above, the building has historical merit and as such would be considered as a non-designated heritage asset. Two new windows, a door and four roof lights are proposed in the front elevation. The upper floor has also been set back from the large glazed barn door so that the floor does not cut across the window. There are more windows proposed in the rear elevation, however, this elevation is not visible from public viewpoints and is contained within an existing large stone boundary wall. There are also two flues proposed on the rear elevation. Overall the alterations are considered to generally respect the character and appearance of the building subject to appropriate details of all new external materials, which can be controlled by condition. The County Archaeologist has set out that the conversion will have a significant impact on the historic character of the buildings, and result in the loss of some historic fabric. It has therefore been requested a programme of archaeological building recording and analysis which can be secured by condition.

7.4 Residential Amenity

- 7.4.1 There are two windows proposed at first floor in the west elevation of the building and one in the east elevation. There are four apartments within Lentworth Hall, located to the south west of the barn. Given the position of this neighbouring property, there will be no adverse impacts on privacy as a result of the windows in the side elevation, or any in the rear. The existing farmhouse is located approximately 21 metres to the south east and as such the proposal will not be detrimental to the amenities of this property. The area at the rear of the barn is partly enclosed by a high stone wall

along the rear wall and it is proposed to separate this from the farmyard by a new wall. Given the proximity of the proposed dwelling to the farm operation, this would be unacceptable as an open market dwelling. However, as it is proposed to serve an agricultural worker, this relationship is acceptable but the occupancy would need to be controlled by condition.

7.5 Highway impacts

7.5.1 County Highways has raised no objections to the application. The site is served by an existing track from Abbeystead Road and there is sufficient space to the north of the building for the parking of cars. As such, the proposal will not be detrimental to highway safety.

7.6 Ecological Impacts

7.6.1 As the proposal involves the conversion of a barn, a bat, barn owl and nesting bird survey has been submitted with the application. Assessments of the building's walls and roof were undertaken in addition to emergence surveys. No indications of use of the site by barn owls or nesting birds was found during the survey. A single Brown Long-eared bat was seen foraging inside the barn on the first survey, but no activity was recorded on the second survey. The first activity survey found evidence of the adjacent barn being used by small numbers of Brown Long-eared bats as a transitional roost. The second survey identified use of the internal space of the adjacent barn by foraging bats. A large Brown Long-eared roost is known to occur in Lentworth Hall adjacent. Due to the proximity of known bat roosts, but negligible potential for use of the building for roosting, the report sets out that precautionary mitigation would be appropriate.

7.6.2 On the basis of the information provided, it is unlikely that the proposal will adversely impact on protected species of bats or barn owls provided that the mitigation set out in the report is implemented. This consists of precautionary measures during the works to the building.

7.7 Impact on trees

7.7.1 There are seven large trees established immediately adjacent to the site. These trees are mature and can be clearly seen from the public domain. They make an important contribution to the character and appearance of the site in question and that of the wider locality. Species include sycamore, beech and horse chestnut. Given the age and dimension of all of the trees in question, rooting areas will be extensive. Provision must be made to protect both above and below ground tree structures during the course of the proposed development. Whilst, the proximity of the existing barn structure and hardstanding is likely to constrain an element of root development towards the site, a detailed arboriculture assessment to include a Tree Protection Plan and Arboriculture Method Statement will be required. Only "root friendly" methods of working and materials will be agreed within calculated root protect areas. Further details will be required to be submitted and agreed in writing for the protection of trees in relation to the installation of gable end windows and all new surfaces or services proposed within 8 metres of the existing trees. It is considered that this can be adequately controlled by conditions.

7.8 Land Contamination

7.8.1 The Contaminated Land Officer has requested a condition requiring the submission of a preliminary risk assessment in relation to contaminated land, in addition to the standard contamination conditions. In this instance, the submission sets out that the building has solely been used for housing animals periodically. There is no evidence of obvious contamination. However, as it has been used for some agricultural purposes there is potential for some contamination and as such it seems appropriate to include a condition, if consent is granted, requiring a preliminary risk assessment to be carried out prior to commencement and further investigation and assessment incorporating remediation measures if necessary.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The proposed dwelling is not considered to be in a sustainable location due its isolated, rural

position, divorced from services. On the basis of the information provided it is considered that there is a functional need for one full time worker but that this need is served by the dwelling currently occupied by the applicants. The proposal would therefore result in two dwellings to serve the unit for which there is not a functional requirement. Although the proposal reuses an existing building which has some historic merit, it is not in a particularly poor state of repair and does not appear to be in danger of being lost in the near future. The land and building are also not causing harm in their present state to the character and appearance of the landscape. As such, it is not considered that the re-use of the redundant barn is sufficient to justify a new dwelling in a particularly isolated part of the District. As such, the proposal is considered to be contrary to the policies contained within the Core Strategy, the Development Plan DPD and the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development and, for the reasons explained in the report, it is not considered that the proposal represents this.

Recommendation

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

1. The site is located within the open countryside, divorced from any services and as such is not considered to be sustainable in terms of its location. It is not considered that the proposal meets the functional tests required to justify a dwelling in the open countryside to meet the needs of a rural worker. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 6, Policy SC1 of the Lancaster District Core Strategy and Policies DM20, DM42 and DM43 and Appendix C 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 A12	Committee Date 7 April 2015	Application Number 14/01088/CU
Application Site New Inn Hornby Road Wray Lancaster	Proposal Change of use and conversion of vacant public house (Class A4) to 3 residential units (Class C3) and installation of balcony and stairs to rear of existing attached cottage	
Name of Applicant Mr Richard Skelton	Name of Agent Mr Matthew Wyatt	
Decision Target Date 31 December 2014	Reason For Delay Awaiting further information, Officer workload and Committee cycle	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Note

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 site which forms the subject of this application is located on the south side of Hornby Road at the western entrance to the village of Wray. It comprises a stone under slate public house (New Inn) which fronts the inside of the bend and is set behind a shallow open forecourt. The building, which was refurbished in 2007, is two storey and includes living accommodation at first floor, part of which has historically been used as a dining room in association with the pub. There are a number of relatively modern extensions and structures to the rear of the building. At the western end of the building there is an attached cottage which is also in the ownership of the application. It is understood that the cottage was formally the stable building associated with the New Inn although its occupation is not actually tied to the use of the public house.
- 1.2 To the west lie three residential properties set back and elevated above the road. To the east lies a single substantial detached house with Wray Methodist Church and Friends Meeting House beyond. To the rear (south) lies an elevated garden area with open fields behind. Opposite the site, on the north side of Hornby Road lies the associated pub car park (16 spaces) which is surrounded by residential properties of various ages and forms including a converted barn which fronts Hornby Road and Kiln Lane.
- 1.3 The character and form of the site and its surroundings are those of a typical rural village with residential uses dominating. The village also boasts a popular café/tea-room, a village store and post office and a second public house (George and Dragon) in addition to a village hall. Hornby Road is part of the B4680 which in the direct route from points west of Hornby through Bentham to joining the A65 at Clapham and then south east to Skipton and beyond. It is therefore quite heavily trafficked with a full range of private and commercial vehicles on both local and medium distance

journeys.

- 1.4 The building is grade II Listed and lies within the Wray Conservation Area and Forest of Bowland Area of Outstanding Natural Beauty.

2.0 The Proposal

- 2.1 The application proposes to convert the public house to form 3 separate open-market dwellings and associated garden areas as well as works of improvement to the existing attached cottage. Designated parking areas for the residential units are proposed within part of the existing car park on the northern side of Hornby Road. The 3 residential units would comprise the following:

Unit 1 – Two bed unit comprising an open plan living/kitchen at ground floor; a bedroom, en-suite and utility room at lower ground floor and a bedroom and en-suite at first floor.

Unit 2 – Three bed unit comprising a lounge, kitchen, dining room, utility/toilet facility at ground floor and 3 bedrooms with one en-suite and bathroom at first floor.

Unit 3 – Three bed unit comprising a lounge, kitchen/diner, utility/toilet facility at ground floor and 3 bedrooms with one en-suite and bathroom at first floor.

The submitted plans also propose the creation of a balcony and external stairs to the rear of the existing 2 bed cottage.

3.0 Site History

- 3.1 There is an extensive planning history associated with the New Inn the most recent and relevant being:

Application Number	Proposal	Decision
13/00586/CU	Change of use and conversion of vacant public house (Class A4) to 3 residential units (Class C3) and installation of balcony and stairs to rear of existing attached cottage	Refused
13/00610/LB	Listed Building application for works to New Inn and attached cottage to facilitate the conversion of the public house to 3 residential units, including demolition of flat roof extensions, replacement windows and doors, installation of roof lights, erection of stone wall and porch canopy and creation of balcony and stairs to rear of existing cottage	Refused
13/00585/OUT	Outline application for the erection of 2 semi-detached dwellings with associated amenities	Withdrawn
07/01058/CU	Change of use at first floor to provide dining rooms with guest/staff bedrooms and erection of a single storey extension to kitchen	Permitted
07/01124/LB	Listed Building application for extension to kitchen, provision of external stair and landing and internal alterations at first floor level	Permitted
06/01294/LB	Listed Building Consent for internal alterations –	Permitted
00/00330/LB	Listed Building Application for alterations to change former window in east gable to a fire door	Permitted
98/00708/CU	Change of use and conversion of former public house to form two dwellings and alterations to existing access	Refusal upheld at Appeal

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 a condition relating to off site highway works

County Archaeology	No objections subject to a condition relating to building recording
Environmental Health	No objections subject to a condition relating to hours of construction
Conservation Officer	No objections subject to conditions relating to detailing and materials
Tree Officer	No objections subject to conditions relating to tree protection, works and planting
Planning Policy Officer	No objections
Wray with Botton Parish Council	No response received within statutory consultation timescale.

5.0 Neighbour Representations

5.1 No correspondence has been received in respect of this application but one letter of support has been submitted in respect of the associated Listed Building application.

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 **49** and **50** – Delivering Housing
Paragraphs **56**, **58** and **60** – Requiring Good Design
Paragraphs **129**, **131** and **132** – Heritage

6.2 Development Management DPD

Policy **DM7** – Economic Development in Rural Areas
Policy **DM8** – Re-use and Conversion of Rural Buildings
Policy **DM15** – Proposals involving Employment Land and Premises
Policy **DM30** – Development Affecting Listed Buildings
Policy **DM31** – Development Affecting Conservation Areas
Policy **DM32** – Setting of Designated Heritage Assets
Policy **DM35** – Key Design Principles
Policy **DM42** – Managing Rural Housing Growth
Policy **DM44** – Residential Conversions
Policy **DM49** – Local Services

6.3 Lancaster District Local Plan

Saved Policy **E3** - Areas of Outstanding Natural Beauty

7.0 Comment and Analysis

- 7.1 The key materials considerations are:
- Principle of development in land use terms
 - Loss of rural food and drink outlet
 - Marketing
 - Design and heritage impacts
 - Impact on residential amenity of neighbouring properties
 - Access and highway impacts
 - Impact on trees

7.2 Principle of development in land use terms

Wray is identified under Policy DM42 of the Development Management DPD as being one of the settlements where new residential development will be supported. Furthermore the general site

location within the village of Wray is considered to be an acceptable and sustainable location for residential development. This site is convenient to walk, cycle and travel by public transport between the site and workplaces, shops, schools, health centres, recreation, leisure and community facilities. The principle of residential development on suitable sites within this village is generally accepted and also encouraged. Policy DM42 also sets out general requirements for rural housing and advises that it should relate well and be proportionate to the existing built form of the settlement. The proposal is considered acceptable in this regard.

7.3 Loss of rural food and drink outlet

Whilst the location of residential development within the established confines of the settlement is broadly acceptable (in land use terms), the principle of development cannot be fully assessed until the proposal is weighed against Paragraphs 28 and 70 of the NPPF and Development Management DPD Policy DM49 which refers to local services. DM49 acknowledges the role that local services, such as public houses, can play in the long term sustainability of communities and seeks to ensure that any loss of such facilities is not enabled without evidence that a business is not feasible. The policy seeks evidence that reasonable measures have been taken to market the property as a going concern over a period of at least 12 months. Marketing should include a realistic price and make use of local and national media sources and there should be alternative provision of the service within the settlement. With regard to the latter point there is indeed another public house within the village in addition to a village hall. Marketing will be examined within the following paragraphs.

7.4 Marketing

7.4.1 A key issue with the previous submission was the inadequacies in respect of marketing. The relevant local policy at the time required a reasonable marketing exercise of at least 12 months and evidence that the business was no longer viable. Emerging policy at the time (which is now current) places additional emphasis on local and national media for the purposes of marketing at a realistic price. Consideration of the previous scheme revealed that the intermittent marketing exercise had not been conducted at a local level and at one point the property had been advertised with an incorrect address. It was also considered that the asking price was not set at a realistic level and that no record of enquiries had been submitted.

7.4.2 In respect of this submission the Marketing Statement reiterates that the business closed in November 2012 and the goes on to explain that the premises have been marketed since that time with Fleurets who are a specialist leisure property agents and states that their website generates 40,000 visitors per month. The particulars of the site have been promoted via the agent's website, mailshot and buyer alerts. The property agents utilise an automated email system which sends over 120,000 alert emails every week to market and match properties with buyer requirements and a log of enquiries which extended beyond a request for sales particulars has been submitted. This marketing has been carried out in addition to the trade press advertisements within the Caterer and Hotel Magazine as well as Fleurets own 'On Market' Magazine. It is understood that a sale board has remained throughout the current marketing period and this would raise awareness amongst the local community. It is also worth highlighting that despite numerous public objections from local residents during the previous submission the current scheme has only attracted one letter which is in fact one of support for the proposal and was submitted in relation to the associated Listed building application.

7.4.3 Officers are now satisfied that marketing has been carried out over an acceptable timescale at a realistic price and that sufficient marketing of the business has taken place at a national level in addition to the erection of a sale board at the property. Given the inadequacies of the last submission with regard to local marketing which were highlighted to the agent, it is disappointing that the current submission remains lacking on this point. However, the supporting information explains that although the property agents have historically advertised locally they found this to be an unviable approach given the low response and therefore focus promotion through traditional trade press. The property agents argue that any serious potential purchasers of a public house or restaurant (local or national) would be accessing and reading dedicated specialist literature (such as Caterer and Hotel Magazine) and would be registered with the specialist agents (such as Fleurets).

7.4.4 However, notwithstanding the reasons given by the property agents, slight concerns remain that the approach to marketing at a local level (despite the erection of a sale board) has been limited and as such it is considered that the submission does not fully comply with the requirements of policy DM49

of the Development Management DPD. However, the points made by the property agent are noted in respect of their approach to local marketing. Furthermore the building is Listed due to its heritage value and is in need of re-use to ensure its long-term future. A further period of time to ensure that the marketing exercise is done at a more local level may result in further deterioration to the Listed building which may affect its long-term use for any purpose. Whilst it is considered that sufficient marketing has not been undertaken at a local level it is acknowledged the premises has been advertised at a national level to a target market for approximately 2 years without any formal interest being expressed for the business. Therefore on balance, in order to secure the long-term future of a heritage asset the proposal is acceptable in planning policy terms and would accord with the Council's policies for conserving the historic environment. Comfort is also provided by the fact that the New Inn is not the only public house in the village.

7.5 Design and heritage impacts

7.5.1 It is considered that the removal of the existing unsightly modern flat roofed single storey extensions would provide an enhancement to the Listed building as will the landscaping of the rear garden areas. Changes to the external elevations to the public house and attached cottage include the replacement of windows and doors throughout as well as the creation of new window and door openings to the rear elevation. The proposed timber balcony and external stairs to the rear of the existing cottage are also considered acceptable and would improve the rear access arrangements for the cottage occupants while not impacting unduly on the character of the Listed building.

7.5.2 The subdivision of the public house to three units will follow the natural structural lines within the building, and the Conservation Officer is satisfied that these would largely replicate historical divisions. The scheme also involves the removal of the existing staircase between the ground and first floor and the installation of new staircases to each of the three units. In terms of alteration to the historic fabric, it remains a considerable internal intervention, but one that has the potential to be accommodated without overriding detriment to the heritage asset. The building has now been empty for approximately two years which undoubtedly poses a risk to the fabric of the building. It is therefore acknowledged that the re-use of the building and associated works has the potential to secure the long term conservation of this Listed property. The impact upon the Conservation Area is also considered to be acceptable. The Conservation Officer is satisfied subject to conditions regarding details.

7.6 Impact on residential amenity of neighbouring properties

It is considered that the scheme would result in an acceptable standard of residential amenity for future occupiers. Due to the separation distances involved in addition to intervening tree screening overlooking to and from neighbouring dwellings is not considered to be an issue in relation to this proposal. There are no other matters that directly or indirectly affect residential amenity.

7.7 Access and highway impacts

7.7.1 Associated vehicular parking for the 3 residential units would be created within part of the existing car park on the northern side of Hornby Road. This would comprise 6 parking bays, with the existing tarmac surface being retained and the parking area enclosed by stone walls. One vehicular parking space for the existing cottage would be created in the area currently used as an external seating area adjacent to its northern elevation.

7.7.2 However, the car parking area would utilise an existing highway access and it is not anticipated that the proposal would result in intensification of use of this access. Furthermore County Highways have raised no concerns in terms of highway safety. They suggested that a demarcation between the area of hardstanding (to the front of the building) and Hornby Road should be introduced in order to provide definition of the private boundaries, and have suggested the installation of kerb treatment to remedy this. It is considered that demarcation would be provided by the resurfacing of the hardstanding with a cobbled finish which has been advocated by the Conservation Officer. These details could be addressed by condition to the satisfaction of the local planning authority.

7.8 Impact on Trees

The site is within Wray Conservation Area, and as such trees are protected in law. There is a group of large, mature trees established to the south-west of the public house. These trees are clearly

visible from a public viewpoint and form a backdrop of greenery to the rear of the site and between the site and the neighbouring property to the west. It is therefore considered that this group of trees makes an important contribution to the amenity of the site, neighbouring property and the wider locality and should be retained. Given that changes in site levels to the rear of the site are proposed the development must be carried out with appropriate tree protection conditions to ensure that tree roots are adequately preserved.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Notwithstanding the limited advertising within the local press, it is concluded that evidence of marketing is more robust than previous attempts, and national advertising has resulted in little interest. Issues regarding design and heritage impacts are considered to be acceptable and the proposal will not impact unduly on neighbouring residential amenity. Furthermore there are no concerns regarding impact on trees or highway safety. Therefore on balance it is considered that the application can now be recommended for approval.

Recommendation

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

1. Standard 3 year timescale
2. Amended plans dated 2 December 2014
3. Development in accordance with approved plans
4. Notwithstanding plans, details required –
 - Windows and doors including design, profile, colour and finish
 - Hard surfacing materials
5. Samples of slate, stone and pointing
6. Details required –
 - Rooflights
 - Ridge, verge and eaves
 - Rainwater goods
 - Balustrades and gates
7. Implementation of a programme of building recording and analysis prior to any works or strip out occurring
8. Arboricultural Method Statement
9. Tree works schedule
10. Scheme for new tree planting
11. Tree/hedge protection plan and implementation prior to works on site commencing
12. Scheme of highway improvement (namely the reinstatement of a length of kerb line along the sites frontage with Hornby Road)
13. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)

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 A13</p>	<p>Committee Date 7 April 2015</p>	<p>Application Number 14/01089/LB</p>
<p>Application Site New Inn Hornby Road Wray Lancaster</p>	<p>Proposal Listed Building application for works to New Inn and attached cottage to facilitate the conversion of the public house to 3 residential units, including demolition of flat roof extension, replacement windows and doors, installation of roof lights, erection of stone wall and porch canopy and creation of balcony and stairs to rear of existing cottage</p>	
<p>Name of Applicant Mr Richard Skelton</p>	<p>Name of Agent Mr Matthew Wyatt</p>	
<p>Decision Target Date 5 December 2014</p>	<p>Reason For Delay Awaiting further information, Officer workload 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</p>	

(i) Procedural Note

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 site which forms the subject of this application is located on the south side of Hornby Road at the western entrance to the village of Wray. It comprises a stone under slate public house (New Inn) which fronts the inside of the bend and is set behind a shallow open forecourt. The building, which was refurbished in 2007, is two storey and includes living accommodation at first floor, part of which has historically been used as a dining room in association with the pub. There are a number of relatively modern extensions and structures to the rear of the building. At the western end of the building there is an attached cottage which is also in the ownership of the application. It is understood that the cottage was formally the stable building associated with the New Inn although its occupation is not actually tied to the use of the public house.
- 1.2 To the west lie three residential properties set back and elevated above the road. To the east lies a single substantial detached house with Wray Methodist Church and Friends Meeting House beyond. To the rear (south) lies an elevated garden area with open fields behind. Opposite the site, on the north side of Hornby Road lies the associated pub car park (16 spaces) which is surrounded by residential properties of various ages and forms including a converted barn which fronts Hornby Road and Kiln Lane.
- 1.3 The character and form of the site and its surroundings are those of a typical rural village with residential uses dominating. The village also boasts a popular café/tea-room, a village store and post office and a second public house (George and Dragon) in addition to a village hall. Hornby

Road is part of the B4680 which in the direct route from points west of Hornby through Bentham to joining the A65 at Clapham and then south east to Skipton and beyond. It is therefore quite heavily trafficked with a full range of private and commercial vehicles on both local and medium distance journeys.

- 1.4 The building is Grade II Listed and lies within the Wray Conservation Area and Forest of Bowland Area of Outstanding Natural Beauty (AONB).

2.0 The Proposal

- 2.1 The application proposes to convert the public house to form 3 separate open-market dwellings and associated garden areas as well as works of improvement to the existing attached cottage. Designated parking areas for the residential units are proposed within part of the existing car park on the northern side of Hornby Road. The 3 residential units would comprise the following:

Unit 1 – Two bed unit comprising an open plan living/kitchen at ground floor; a bedroom, en-suite and utility room at lower ground floor and a bedroom and en-suite at first floor.

Unit 2 – Three bed unit comprising a lounge, kitchen, dining room, utility/toilet facility at ground floor and 3 bedrooms with one en-suite and bathroom at first floor.

Unit 3 – Three bed unit comprising a lounge, kitchen/diner, utility/toilet facility at ground floor and 3 bedrooms with one en-suite and bathroom at first floor.

- 2.2 The Listed building application proposes alterations to the Listed building to be carried out to facilitate the conversion of the public house as well as works of improvement and the creation of a balcony and external stairs to the rear of the existing 2 bed cottage.

3.0 Site History

- 3.1 There is an extensive planning history associated with the New Inn the most recent and relevant being:

Application Number	Proposal	Decision
13/00586/CU	Change of use and conversion of vacant public house (Class A4) to 3 residential units (Class C3) and installation of balcony and stairs to rear of existing attached cottage	Refused
13/00610/LB	Listed Building application for works to New Inn and attached cottage to facilitate the conversion of the public house to 3 residential units, including demolition of flat roof extensions, replacement windows and doors, installation of roof lights, erection of stone wall and porch canopy and creation of balcony and stairs to rear of existing cottage	Refused
13/00585/OUT	Outline application for the erection of 2 semi-detached dwellings with associated amenities	Withdrawn
07/01058/CU	Change of use at first floor to provide dining rooms with guest/staff bedrooms and erection of a single storey extension to kitchen	Permitted
07/01124/LB	Listed Building application for extension to kitchen, provision of external stair and landing and internal alterations at first floor level	Permitted
06/01294/LB	Listed Building Consent for internal alterations –	Permitted
00/00330/LB	Listed Building Application for alterations to change former window in east gable to a fire door	Permitted
98/00708/CU	Change of use and conversion of former public house to form two dwellings and alterations to existing access	Refusal upheld at Appeal

4.0 Consultation Responses

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

Consultee	Response
County Archaeology	No objections subject to a condition relating to building recording
Conservation Officer	No objections subject to conditions relating to detailing and materials

5.0 Neighbour Representations

- 5.1 1 letter of support from a local resident has been received citing that the proposal will improve the area, is in keeping with the character of the area and preserves an historic building.

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 **49** and **50** – Delivering Housing
 Paragraphs **56**, **58** and **60** – Requiring Good Design
 Paragraphs **129**, **131** and **132** – Heritage

6.2 Development Management DPD

Policy **DM30** – Development Affecting Listed Buildings
 Policy **DM31** – Development Affecting Conservation Areas
 Policy **DM32** – Setting of Designated Heritage Assets

7.0 Comment and Analysis

- 7.1 The key material consideration is the impact on the heritage assets.

7.2.1 It is considered that the removal of the existing unsightly modern flat roofed single storey extensions would provide an enhancement to the Listed building as will the landscaping of the rear garden areas. Changes to the external elevations to the public house and attached cottage include the replacement of windows and doors throughout as well as the creation of new window and door openings to the rear elevation. The proposed timber balcony and external stairs to the rear of the existing cottage are also considered acceptable and would improve the rear access arrangements for the cottage occupants while not impacting unduly on the character of the Listed building.

7.2.2 The subdivision of the public house to three units will follow the natural structural lines within the building, and the Conservation Officer is satisfied that these would largely replicate historical divisions. The scheme also involves the removal of the existing staircase between the ground and first floor and the installation of new staircases to each of the three units. In terms of alteration to the historic fabric, it remains a considerable internal intervention, but one that has the potential to be accommodated without overriding detriment to the heritage asset. The building has now been empty for approximately two years which undoubtedly poses a risk to the fabric of the building. It is therefore acknowledged that the re-use of the building and associated works has the potential to secure the long term conservation of this Listed property. The impact upon the Conservation Area is also considered to be acceptable. The Conservation Officer is satisfied subject to conditions regarding details.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 Issues regarding design and heritage impacts are considered to be acceptable subject to conditions relating to architectural details and materials, and therefore it is considered that the application can be recommended for approval.

Recommendation

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

1. Standard 3 year timescale
2. Amended plans dated 2 December 2014
3. Development in accordance with approved plans
4. Notwithstanding plans, details required –
 - Windows and doors including design, profile, colour and finish
 - Hard surfacing materials
5. Samples of slate, stone and pointing
6. Details required –
 - Rooflights
 - Ridge, verge and eaves
 - Rainwater goods
 - Balustrades and gates
7. Implementation of a programme of building recording and analysis

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 7 April 2015</p>	<p>Application Number 14/01030/FUL</p>
<p>Application Site Agricultural Building Adj Disused Railway Station Road Hornby Lancashire</p>	<p>Proposal Erection of 9 dwellings and associated access</p>	
<p>Name of Applicant Mr Ian Beardsworth</p>	<p>Name of Agent Harrison Pitt Architects</p>	
<p>Decision Target Date 20 November 2014</p>	<p>Reason For Delay Negotiation of affordable housing</p>	
<p>Case Officer</p>	<p>Mrs Eleanor Fawcett</p>	
<p>Departure</p>	<p>None</p>	
<p>Summary of Recommendation</p>	<p>Approval – subject to legal agreement details</p>	

(i) Procedural Matters

This application was reported to Planning Committee on 8 December 2014 and it was resolved that consent be granted subject to the receipt of amended plans to address some design issues. Just prior to the December Meeting the Government introduced guidance to reduce the burden of affordable housing on developers for smaller schemes. This sets out that, within Areas of Outstanding Natural Beauty, affordable housing should only be requested on residential schemes of over 5 units and this should be in the form of a financial contribution, paid after completion, if between 6 and 10 units. As such, the applicant has requested that the affordable housing takes the form of off-site provision in the form of a financial contribution. As this differs from the determination in December, which required on-site provision of affordable housing, the application is being reported back to Committee.

1.0 The Site and its Surroundings

1.1 The application relates to land on the north east side of Station Road, at the southern edge of the village of Hornby. It is outside the Conservation Area but within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site consists of a former agricultural building, which is used for storage, and the adjacent field to the east, which is roughly triangular in shape. There is a small yard area to the south west of the building and a well-established hedgerow along the boundary with the highway. The site slopes very gently downwards away from the highway towards the north east, with a more distinct change in levels adjacent to the northern boundary where it slopes downwards to a former railway line. Beyond this the land rises significantly up to Bee's Head. On the adjacent highway, there is a narrow bridge over the dismantled railway which has no separate footpath – only a line on the south west side of the road demarcating the “carriageway” from the footway”.

1.2 To the north east and south east of the site is open farm land which undulates slightly and is enclosed by stone wall, hedges, and a metal fence at the corner of the nearby road junction. On the south west side of the highway, opposite the site, is a row of residential properties known as Ingleborough Terrace. These comprise both terraced and semi-detached dwellings, with the middle terraced properties containing no off street parking. There is also a group of stone properties

positioned around the crossroads to the south, at the junction of Station Road, the B6480 and Moor Lane. There is a footpath in front of the properties on Ingleborough Terrace which stops before the bridge. There is no formal footpath towards the village centre for approximately 150m. The site is approximately 400m from the nearest shop within the village and is on a bus route.

2.0 The Proposal

2.1 Planning permission is sought for the erection of nine dwellings. Outline permission has previously been approved for the erection of six dwellings on a smaller site. This proposal extends the site into the remainder of field to the north east. The development is proposed to be sited around a rectangular courtyard area with access from the highway located towards the southern end of the site frontage. A footway is proposed along the site frontage. The development will comprise 4 four bedroom dwellings, 3 three bedroom dwellings and 2 two bedroom dwellings. All but the two smaller properties are proposed to have garages. The buildings are proposed to be finished in stone with slate roofs and have timber framed windows and doors.

3.0 Site History

3.1 There is an extensive planning history on the site. The most relevant is set out below.

Application Number	Proposal	Decision
14/00544/OUT	Outline application for the erection of 3 dwellings	Withdrawn
13/01201/OUT	Outline application for the demolition of the existing barn and the erection of 6 residential dwellings	Approved
13/00862/OUT	Outline application for the demolition of the existing barn and the erection of 4 residential dwellings	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No objection subject to: <ul style="list-style-type: none"> • The complete removal of the hedgerow all of the way to the bridge; • Installation of a pavement in place of this hedge; and • Provision of 1 parking space each for the two houses opposite which do not have off-road parking.
Natural England	The proposal is unlikely to affect any statutorily protected sites or landscapes.
County Highways	No objection subject to conditions requiring: construction of internal mews court vehicular access to at least base course before any development takes place; visibility splays measuring 2.4m by 45 metres in each direction; wheel cleaning facilities; scheme for construction of means of access; a pedestrian hard surfaced length of footway extending from the sites point of access with Station Road and along its frontage to a point on the "red edge" of the site's northern boundary.
Environmental Health	No objection subject to standard contamination conditions and hours of construction and advice relating to dust control and construction code of practice.
Tree Protection Officer	No objection subject to conditions requiring: No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed; Tree Works Schedule and Arboricultural Method Statement; Landscaping scheme; and Tree Protection Plan.
Public Realm Officer	Recommend that a contribution of £10,000 is provided to enable the parish council to make improvements to the village play area as required which will cater for children and young people (up to 14s). Suggest that the money is used to repair or replace the zip wire with similar or another item(s) catering for this age range in the future.
United Utilities	No comments received
Forest of Bowland AONB	No comments received

5.0 Neighbour Representations

- 5.1 11 pieces of correspondence have been received which raise the following concerns:
- Increase in traffic and impact on highway safety including cyclists
 - Loss of parking on street for existing properties at Ingleborough View
 - Safety of proposed access
 - Impact on the AONB
 - Impact on the character of the village
 - Loss of view for residents opposite
 - Lack of safe footway to centre of village
 - Does not meet the rural housing need
 - Capacity of the sewerage system
 - There has been other recent development in Hornby
 - Density of development
 - The site is outside the village boundary
 - Inconsistency with highway comments in relation to development on same road
 - Impacts of dust during construction
- 5.2 One letter of support has been received which gives no further comments.

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 115 - Areas of Outstanding Natural Beauty
 Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC2 – Urban Concentration
 SC3 – Rural Communities
 SC5 – Achieving Quality in Design

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

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

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
 DM22 – Vehicle Parking Provision
 DM26 – Open Space, Sports and Recreational Facilities
 DM27 – Protection and Enhancement of Biodiversity
 DM28 – Development and Landscape Impact
 DM29 – Protection of Trees, Hedgerows and Woodland
 DM35 – Key Design Principles
 DM41 – New Residential dwellings
 DM42 – Managing Rural Housing Growth

6.5 Other Material Considerations

Supplementary Planning Guidance 12 – Residential Design Code
 Meeting Housing Needs Supplementary Planning Document

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, layout and impact on the AONB
- Access and highway impacts
- Impact on residential amenity
- Impact on trees and hedgerows
- Ecological impacts
- Affordable housing
- Drainage
- Contaminated land
- Open Space

7.2 Principle of Development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy E2 also emphasises that the Council will minimise the need to travel by car and Policy SC3 of the Core Strategy states that 10% of new homes will be allowed to meet local housing needs in villages, focussed in those that have five basic services. Hornby is identified as one such village and as such is considered to be a sustainable location for new residential development. This is also reflected in Development Management DPD policy DM42. The site is a mixture of brownfield and greenfield land as it includes both the storage building and part of the adjacent field. It is located towards the southern edge of the village, though slightly divorced from its centre by the former railway line, associated road bridge and rising land on the north east side of the road. On the south east side of the road is a row of residential properties, which continues on the other side of the bridge. The land on the north east side of the highway, between the site and the main built up area of Hornby, would be difficult to develop as it rises significantly from the road level.

7.2.2 The site is opposite existing residential properties and the proposal relates to a small scale development of nine houses. There is a regular bus service along Station Road, an employment site located approximately 200m to the north west and services within the village, including a shop, post office and nursery, approximately 400m from the site. There is a lack of a formal footway for around 150m of the road into the village centre which is a disadvantage to this location. However, given the need for the housing within the District, and that Hornby is a village which is considered suitable for growth, the development of this site is considered acceptable in principle as it relates well to existing development and is within walking distance of services. The principle of development on most of the site has already been established through the granting of consent for six dwellings in April 2014.

7.3 Scale, design, layout and impact on the Area of Outstanding Natural Beauty (AONB)

7.3.1 The land to the east and south east consists of relatively flat agricultural land, with rising land to the north. The proposal will replace the storage building and also occupy part of the adjacent field. There are dwellings on the opposite side of Station Road and as such the development will be viewed in the context of these buildings and against the rising land. It will be visible across the fields to the east. However, providing that the buildings are of a design which is in keeping with the character of the area and have appropriate boundary treatments and landscaping, the development of nine two storey dwellings is not considered to have a detrimental impact on the character or appearance of the designated area. The Forest of Bowland AONB Unit has been consulted and any comments will be reported at the Planning Committee meeting.

7.3.2 The dwellings are proposed to be positioned around an internal rectangular courtyard. The site plan shows this to be surfaced in tarmac, however the agent has indicated that the intention is for this to be surfaced in block paving, probably grey. Concerns were also raised with the agent regarding the extent of the hardstanding proposed as it will result in a very car dominated scheme. This has not been altered, however, an artist's impression has been submitted and this shows that most of this would not be visible from the main highway. Some alterations have been made to the driveways to reduce the width and visual impact. Most of the buildings also include integral garages which are not considered to be in keeping with the rural character. Detached garages set back into the site, to

allow for some parking behind the building line would be more appropriate. However, this aspect has not been altered and it is not considered that it has a significant adverse impact on the appearance of the scheme.

- 7.3.3 Some concerns were also raised regarding the design of some of the dwellings and it was not considered that they fully reflect the rural character of the area. A pair of 2-bed dwellings is proposed at the junction of Station Road and the new access road. Concerns were raised regarding the orientation of the properties facing onto the access road rather than the existing highway. However, it is appreciated that this will help retain the large hedge adjacent to the highway. The agent has indicated that a different orientation has been considered but there were issues with locating both the parking and garden areas adjacent to both dwellings. A dual frontage was suggested in order to improve its appearance from the main road. A larger bay window has been shown facing the main road which goes some way to addressing the concerns.
- 7.3.4 The house type containing the three bedrooms appears to have been designed to look like there is a two storey extension on the side. It was been advised that the design should be simplified, possibly including a simple pitched roof porch, chimney and detached garage. In relation to the four bedroom dwellings, the design was considered to be overly complicated and concerns were raised regarding the asymmetrical roof, and the central section on the front elevation. Changes have been made to the roof line on both these house types and asymmetrical elements have been altered with a more traditional frontage adopted. A few options were put forward for the three-bed dwellings in order to overcome the concerns regarding the addition to the side of the main part of the house. The most acceptable is considered to be the option that reduces the height of this element and includes a small pitched roof dormer to the front.
- 7.3.5 The overall layout of the proposed dwellings appears to be broadly acceptable. A few of the gardens have rear gardens which measure less than 10 metres in depth, although this is compensated by their width with the smallest area being approximately 96 square metres. They have been positioned to ensure adequate separation between facing windows and daylight to habitable rooms. The highest dwelling has been shown at 8.2 metres which is considered to be appropriate for this location. Finished floor levels can be requested as part of a condition. The dwellings are proposed to be finished in natural stone with a slate roof and boundary treatments will predominantly be hedgerows.
- 7.3.6 Given the amendments that have been made to the scheme, the development is considered to be acceptable in terms of its scale, siting and design and will not be detrimental to the character and appearance of the locality in general and the AONB.

7.4 Access and highway impacts

- 7.4.1 A new access is proposed onto Station Road which has a 20mph speed limit. Visibility splays of 2.4m by 45m have been shown at the point of access with some removal and trimming of the hedge adjacent the highway. County Highways is satisfied with the access and does not consider that it will be detrimental to highway safety. A courtyard area is proposed in the centre of the site which will provide sufficient turning for service vehicles. Each property has at least two parking spaces, although two of these rely on spaces within garages. This provision is considered to be acceptable. Some of the properties on Ingleborough View do not have off street parking and as such the location of the access point may prevent them parking outside their properties. However, as the proposal is not considered to be detrimental to highway safety, this is not considered to be a substantial reason to resist the application.
- 7.4.2 The main concern with regard to highway safety relates to the lack of a formal footpath between the site and the centre of the village for approximately 150m. There are markings on the highway over and at either side of the bridge. However, this provides a very narrow walkway with no physical separation from vehicles using the highway. The Highways Officer has requested the construction of a length of footway along the site's frontage with Station Road terminating at a point between the site's boundary and disused former railway line such as to future proof the creation of a safe and appropriate means of pedestrian access along Station Road and into the centre of Hornby while negating pedestrian use of the adjacent railway bridge. A strip of land has been identified on the submitted plan where this could be located. If created this would not link to any other rights of way but there would be potential for it to be continued across the adjoining land to provide a link to the village in the future.

7.4.3 A concern has been raised by a neighbouring resident with regards to inconsistencies in responses from County Highways between this and another proposal on the same road. To clarify, the objection on the other application was due to the lack of adequate visibility splays, without relying on land outside the applicant's ownership, which is not the case with this proposal.

7.5 Impact on Residential Amenity

7.5.1 The nearest residential properties are those on Ingleborough View on the opposite side of the highway to the site. The closest relationship between on and offsite dwellings is approximately 23 metres. This is an acceptable distance to ensure that there would not be a detrimental impact, by way of loss of privacy or light, on the occupiers of the existing dwellings.

7.6 Impact on Tree and Hedgerows

7.6.1 A tree and hedgerow survey has been submitted with the application. There is a hedge along the boundary with the highway which will be partly removed to accommodate the access, and cut back to provide adequate visibility. There are some more significant trees to the north west of the site, mainly just outside the site boundary, which are to be retained. The loss of part of the hedge is not considered to have an adverse impact on the character and appearance of the area, providing that sufficient additional planting is provided.

7.6.2 The construction phase has significant potential to cause harm to trees. The Tree Protection Officer requested a detailed assessment is required in relation to BS 5837 (2012) to include a detailed Tree Survey, Tree Constraints Plan and Tree Protection Plan. Following receipt of this, the proposal is not considered to have a significant impact on trees subject to conditions set out in Section 4.

7.7 Ecological Impacts

7.7.1 An ecological appraisal has been submitted. This sets out that the site supports habitats which are of limited value to notable species, there are no past records of protected or notable species on the site, there is some potential for nesting birds in the hedgerow and scrub area adjacent to the highway, and some potential for birds and bats to be negatively affected by the proposals but those impacts will be negligible with mitigation. Mitigation has been set out in the report in relation to bats, badgers, nesting birds, reptiles and amphibians. This mainly relates to the timing of works, precautionary measures when removing vegetation and buildings and storage of materials. This mitigation is considered acceptable to prevent any harm to protected species and nesting birds.

7.8 Affordable Housing

7.8.1 The Meeting Housing Needs Supplementary Planning Document sets out that 20% affordable housing should be provided on rural sites where 5 to 9 houses are proposed. This equates to 1.8 units in relation to this proposal. The application previously proposed 2 dwellings for affordable rent on site. Following the change in Government guidance in relation to affordable housing provision, the applicant has requested that this be provided in the form of a financial contribution instead of on-site provision. As the guidance sets out that on-site provision should not be required for schemes of 10 dwellings or less within AONBs, this approach is considered to be acceptable. This should be broadly equivalent to providing 20% affordable housing on site, calculated using the methodology in the Meeting Housing Needs SPD. The amount has not yet been provided by the agent. Providing that this complies with the methodology, it is considered that the proposal will provide an acceptable contribution towards affordable housing.

7.9 Drainage

7.9.1 The development is proposed to be connected to the existing mains drainage. United Utilities has been consulted but have not responded. In relation to surface water, a percolation test was undertaken on the site in July 2013 following the guidelines in Part H2 of the Building Regulations. The submission sets out that the site can be drained as per the Building Regulations requirements. Precise details in relation to surface water drainage can be requested as part of a condition if consent is granted.

7.10 Contaminated Land

7.10.1 No response has been received from the contaminated land officer. However, comments were received on the previously approved proposal to the submitted Preliminary Risk Assessment. It was confirmed that the initial assessment adequately characterises the potential contaminant setting of the site and standard contamination conditions were requested. The part of the site most likely to have potential for contamination was covered by the previous scheme. As such, the previous recommendations are considered appropriate to this scheme.

7.11 Open Space

7.11.1 The Public Realm Officer has assessed the application and set out that there is no provision for young people's facilities or allotments within the area and that the existing children's play space within the village is of poor quality. Although the layout plan shows a good allocation of outdoor space per dwelling and a development of this size would fall below the requirements of on-site provision of amenity space and a children's play area, it does attract off site contributions to children's and young people's facilities. A contribution of £10,000 has been requested to enable the Parish Council to make improvements to the village play area as required which will cater for children and young people. It has been suggested that the money is used to repair or replace the zip wire with similar or another item(s) catering for this age range in the future. The applicant has agreed to the payment of this financial contribution.

8.0 Planning Obligations

8.1 A Unilateral Undertaking is required to secure the contributions towards affordable housing and improvements to off-site open space.

9.0 Conclusions

9.1 The site is located within a village which is considered suitable for growth and, although it is slightly separated from the centre, it is considered to be sustainable and will help towards the provision of housing within the District. It is considered that the development will not have a detrimental impact on the AONB, the amenities of the neighbouring properties, ecology, trees and highway safety. As such, the development is in accordance with local and national policy.

Recommendation

Provided that acceptable details in relation to the affordable housing contribution are provided, Planning Permission to **BE GRANTED** subject to a legal agreement in relation to affordable housing provision and open space contributions and the following conditions:

1. Standard time condition
2. In accordance with plans
3. Scheme for construction of site access
4. Construction of internal mews court vehicular access to at least base course before any other development takes place
5. Visibility splays measuring 2.4 by 45 metres in each direction
6. Creation of pedestrian hard surfaced length of footway extending from the site's point of access with Station Road and along its frontage to a point on the "red edge" of the sites northern boundary
7. No tree within the site or on any immediately adjacent property or land shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, other than those identified within the approved application, without the prior written approval of the local planning authority and before any site activity is commenced in association with the development.
8. Landscaping scheme
9. Tree Protection Plan
10. Tree Works Schedule and Arboricultural Method Statement.
11. Management scheme for the roadside hedgerow across site frontage and up to the railway bridge
12. Details of materials including sample panel of stone with mortar
13. Details of windows and doors
14. Rainwater goods, eaves, verge and ridge details
15. Surfacing materials
16. Finished floor levels in relation to a fixed datum point

17. Boundary treatments
18. Scheme for the disposal of foul and surface water
19. Investigation and remediation of contaminated land.
20. Details in relation to the importation of soil, materials & hardcore
21. Scheme for the prevention of new contamination
22. Bunding of Tanks containing fuels/solvents
23. Ecological mitigation set out in submitted report
24. Hours of construction
25. Construction Method Statement
26. Creation and retention of parking
27. Removal of permitted development rights in relation to fences, walls and gates

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 should positively influence the proposal and secure 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 7 April 2015</p>	<p>Application Number 14/01063/HS</p>
<p>Application Site Heysham Power Station Princess Alexandra Way Heysham Morecambe</p>	<p>Proposal Hazardous substances consent for the storage of various gases</p>	
<p>Name of Applicant Nick Cofield - EDF Energy</p>	<p>Name of Agent Paul Zyda</p>	
<p>Decision Target Date 28 November 2014</p>	<p>Reason For Delay HSE Consultation</p>	
<p>Case Officer</p>	<p>Mrs Kim Ireland</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

1.0 The Site and its Surroundings

- 1.1 The site which is the subject of this application is the Heysham Power Station complex.
- 1.2 The site is allocated as South Heysham and an Existing Employment Area in the Lancaster District Local Plan proposals map.

2.0 The Proposal

- 2.1 The application seeks consent for the storage of a number of hazardous substances within various locations on the site. For security purposes the precise locations are not divulged. The substances named are Hydrazine, Petroleum Products, Sulphuric Acid, Methane, Sodium Hypochlorite, Fire Resistant Fluid and Ammonia.

3.0 Site History

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

Application Number	Proposal	Decision
09/01185/HS	Hazardous substances consent for the storage and use of hydrazine, fuel oil, sodium hypochlorite and ammonia.	Permitted

4.0 Consultation Responses

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

Consultee	Response
Health and Safety Executive (HSE)	No significant reasons, on safety grounds, for refusing consent subject to conditions and generic advice. A copy of the HSE's letter will be sent to the applicant should the application be approved.

Environmental Health	No objections
Emergency Planning	No observations received
Fire Safety Officer	No observations received
Environment Agency	No objections

5.0 Neighbour Representations

5.1 No correspondence has been received.

6.0 Principal National and Development Plan Policies

6.1 There are none that directly relate to the proposal.

7.0 Comment and Analysis

7.1 There are obviously considerable risks associated with existing forms of storage and uses at the Heysham Power Station Complex. A Hazardous Substance Authority may only grant a Hazardous Substance Consent where the Health and Safety Executive (HSE) have advised the authority that the substances involved can be subject to consent and control by means of condition. The HSE have assessed the risks involved with the proposal and have confirmed that there are no objections. From a local authority planning perspective, there are no additional health and safety considerations beyond this. From a land use perspective, the site is considered appropriate for the storage of such substances.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The application is recommended for approval subject to conditions as requested by HSE.

Recommendation

That Hazardous Substance Consent **BE GRANTED** subject to the following conditions:

1. The hazardous substances shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form, nor outside the area marked for storage of the substance on the plans which formed part of the application and the particulars provided in the drawing reference: HYB/AA/32441, Rev 0.

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 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 A16	Committee Date 7 April 2015	Application Number 14/01289/FUL
Application Site Land Adjacent To Westgate And Heysham Railway Branch Line Westgate Morecambe	Proposal Erection of 90 new dwellings with associated access	
Name of Applicant Chorley Community Housing	Name of Agent Mr Simon Halliwell	
Decision Target Date Extension of time agreed until.....	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approve subject to signing of legal agreement	

(i) **Procedural Matters**

This application is being reported back to Committee following the Members decision to approve the application last month subject to delegation back for the signing of the legal agreement and to address outstanding matters. The outstanding matters related to the submission of a highway plan to illustrate the Highway Authority's off-site highway requirements and to agree the extent of tree removal and replacement landscaping. In addition, it came to light following the Members' resolution to approve, that the Committee report inadvertently omitted two conditions from the recommendation relating to affordable housing and a local lettings plan despite the report being clear the scheme was an affordable housing scheme. Subsequently, the application is being reported back to update Members on the previous outstanding matters and to seek approval to insert these conditions.

As Members will be aware from the previous report, these schemes rely on central government funding to deliver the 100% affordable housing scheme. To secure the funding the developer has to be on site at the beginning of April (likely to be before this Committee), though they have indicated that a start on site for the purposes of releasing funding is different from a start on site in relation to commencing development. It is understood that no development *per se* would be carried out until permission is granted and relevant pre-commencement conditions are discharged.

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 circa 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 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 long standing allocation as a housing opportunity site.

2.0 The Proposal

- 2.1 Full planning permission is sought for the redevelopment of the site to provide 90 residential units (equating to 42 units per hectare) 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 dwellinghouses 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 The table below highlights relevant planning history on and adjacent to the application site:

Application Number	Proposal	Decision
14/01294/EIR	Screening Opinion for the erection of 90 new dwellings and associated infrastructure.	Request completed Not EIA development
12/00907/VCN	Erection of pub/restaurant with ancillary residential accommodation (Use Class A4 and C3) (pursuant to the variation of condition 2 relating to the foot print of building and variation of condition 24 relating to opening hours)	Approved
12/00308/FUL	Erection of pub/restaurant with ancillary residential accommodation (Use Class A4 and C3)	Approved
09/01035/FUL	Revised application for the development of a football stadium and related accommodation, outdoor multi-sports area for club and community use and associated parking	Approved
08/00174/HYB	Hybrid Application for development of a football stadium and related accommodation, outdoor multi-sports area for club and community use, associated car parking and vehicular access and outline proposals for commercial development on Westgate frontage including hotel, food and drink, drive through restaurant, Morecambe FC club shop, associated car parking and amenity space.	Approved
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 bungalows, 38 semi-detached houses, 3 detached houses, 12 self-contained flats and 12 garages and off-street parking	Approved

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 have been raised in relation to highway drainage and management of parking within the site given existing parking problems associated with the football stadium. The above suggested condition should resolve such concern and drainage proposals are currently under review.</p>
Environmental	Concerns received in relation to inadequate noise assessment in relation to plots

Health	<p>1-16 and 67-82 and minimal assessment of light pollution and nuisance from the stadium. The developer has provided further information to address concerns. This is still 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.</p> <p>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;</p> <p>Advice notes including the applicant contacting Network Rail Asset Protection Team with details of all works within 10m of their boundary, advisory notes in respect of noise, scaffolding, landscaping, noise (i.e. Network Rail will not be held liable for any noise and vibration from the railway line).</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 following conditions:</p> <ul style="list-style-type: none"> • Development to be carried out in accordance with the FRA • Surface water drainage details
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 Officer	<p>Initial objection removed – since the submission of the application, vegetation clearance and tree removal has taken place on site. NOTE: the trees were not protected. This works accords with the originally submitted proposals that the Tree Officer had originally objected to. Since then, the developer has provided plans to mitigate for the tree loss along Westgate but has not provided plans showing replacement planting along the railway line. Notwithstanding this, it is accepted that appropriate landscaping and replacement tree planting can mitigate the tree loss on site. The Tree Protection Officer has indicated the following conditions would be required:</p> <ul style="list-style-type: none"> • Tree works schedule and AMS • Tree Protection • AIA • Landscaping condition with 10 years maintenance
County Planning	<p>No objections subject to a contribution of £108,267 to go towards 9 primary school places.</p>
Lancashire Constabulary	<p>No objections to the principle but concerns raised over parking. The adjacent football club results in excessive parking on the highway. The new development</p>

	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 Immediate neighbours have been notified in writing, together with three site notices posted in the area around the site and Globe Arena and an advertisement in the local press.

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 on going. A verbal update will be provided if additional letters are received.

A letter on behalf of Marston's Inns and Taverns has been submitted expressing 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

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

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
SC1 – Sustainable Development
SC4 – Meeting the Districts Housing Requirements

6.4 Lancaster District Local Plan
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

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
- Other considerations – drainage, flood risk, contamination

7.2 The application site is an allocated housing opportunity site as set out in saved policy H2 of the Lancaster District Local Plan. This site was an allocated site in the previous Local Plan too. The site is currently vacant consisting 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 National Planning Policy Framework. 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 something 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.

- 7.5 The proposed tenure is for 100% affordable rent which will be calculated at no more the 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 (central government). The scheme housing mix and tenure have been driven by the Homes and Communities Agency 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.
- 7.6 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 letters 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.
- 7.7 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 complaint with the spirit of section 4 of the NPPF and DM41 of the Development Management DPD.
- 7.8 **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.
- 7.9 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.
- 7.10 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.
- 7.11 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 tow-way trips in the AM peak hour and 41 two-way trips in the PM peak hour. To then assess that the local highway and the proposed junction can cope with this anticipated traffic generation capacity assessments have been undertaken. These assessments conclude 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.
- 7.12 Turning to the proposed access, 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 site 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.
- 7.13 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.

- 7.14 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 dwellingshouse 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.
- 7.15 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 tot eh 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.
- 7.16 The Highway Authority has 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 a s278 agreement under the Highway Act. Officers had requested a plan from the developer to reflect these works. Regretfully the developer has struggled to get any feedback from the Highway Authority to assist them design the works required. Subsequently, Officers are agreeable that this was only intended for clarity and can be controlled by condition.
- 7.17 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 het NPPF and policies DM20 and DM22.
- 7.18 **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 along the north-western boundary, the Globe Arena football stadium to the east, the Hurley Flyer public house to the south east and Westgate public highway to the south. Subsequently, the application has been accompanied with an acoustic report as assess the appropriateness of the site for residential purposes.
- 7.19 The assessment proposes mitigation specific to the adjoining uses. In each case the acoustic performance requirements of 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 Arenac and 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 has also considered the noise generated from fixed plant at the Hurley Flyer and concludes this would not lead to an unacceptable impact on future occupants on the site. Representations from the adjacent public house have been made questioning the robustness of the submitted 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 summarised above in the report but for information the Hurly Flyer operates in accordance with their planning permission which prevents opening between the hours of 0700 to 0030 Sunday to Thursday and 0700 to 0130 on Friday and Saturday.

- 7.20 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.
- 7.21 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.
- 7.22 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 significant issues. The clever use of contrasting brick and cladding to the facades helps articulate what could be relatively bland buildings. The well-designed 'bookend units' to each street addresses their dual aspect and adds interest to the street, 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 street scenes 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 Development Management DPD.
- 7.23 The proposed layout also adequately demonstrates compliance with the residential amenity standards set out in the Development Management 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 Development Management DPD.
- 7.24 **Landscaping and Biodiversity**
There are no tree preservation orders, or conservation area constraints affecting trees within the site proposed for development or on any immediately adjacent land. The site does not lie within an Area of Outstanding Natural Beauty. Site in question 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.
- 7.25 The applicant has submitted an Arboriculture Implications Assessment, dated October 2014. A total of 4 No. groups of trees and 9 No. individual trees have been identified, including tree species of hawthorn, sycamore, alder, willow and lime. Within the submitted report, trees are reported to be 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, collectively, particularly along the Westgate and railway boundaries, these trees provide invaluable greening as

well as creating a buffer to the development, absorbing noise and pollution not to mention their wildlife value. On this basis, the Council's Tree Protection Officer had objected to the proposals. The applicant had indicated that they will revise the plans to retain more trees along the railway and Westgate boundaries in order to resolve the Officers' concern and submitted plans to this effect. Regretfully, however, the developer's contractors when undertaking vegetation clearance (including tree removal) were not made aware of the revised proposals and worked to the scheme as originally submitted. Please note that such clearance work would not amount to development and as such the local planning authority could not have prevented it or controlled it. Whilst this is disappointing the loss of trees on site would not outweigh the benefits of the proposal and suitably worded conditions requiring replacement planting would provide adequate mitigation. The Council's Tree Protection Officer has accepted this situation and requested a number of conditions.

- 7.26 The proposal landscaping submitted around and within the site consists of defensible planting used to soften the landscape and break up the large expanses of parking. The scheme also provides ample open green space in the form of amenity areas and landscaping around the apartments and gardens to each of the dwellings. The provision of green space and open space contributes to wellbeing and supports the social dimension of sustainable development. The details provided in relation to landscaping are generally acceptable but in light of recent events do not sufficiently mitigate tree loss that has occurred on site. Subsequently, a condition will be required seeking a full detailed landscaping plan for the whole site.
- 7.27 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 has submitted an extended phase 1 habitat survey and bat report with their submission. This 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 SPA/RAMSAR/SAC.
- 7.28 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.
- 7.29 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.
- 7.30 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. The applicant's bat consultant provided further explanation in relation to the level of assessment and survey effort needed and confirmed that on further examination of the trees on site, there was no required to undertake activity surveys. On this basis, Officers are satisfied that the proposal would not adversely affect protected bat species, provided appropriate biodiversity enhancement measures are incorporated into the scheme, such as bat boxes, bat bricks and native landscaping. A condition is recommended to this effect.
- 7.31 **Other issues – Drainage, Flood Risk and Contamination**
National and local planning policy advocates the SuDS hierarchy, as does the Environment Agency and United Utilities. The developer has submitted a flood risk assessment and drainage strategy to demonstrate the site can adequately drain and would not cause a floor 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 contended that it is not appropriate to condition the details of surface water drainage unless there is a feasible strategy in place. Our own drainage engineer had objected and requested further information to justify their position that the surface water cannot be accommodated on site or drain to the nearby watercourse. Further information has been provided which 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 accepted this position and recommended a condition which shall restrict the discharge of surface water to the public sewer.

7.32 With regards to contamination, a Phase 2 report has been submitted and considered by the Council's Contaminated Land Officer. There remain some areas of dispute between the applicant and our own contaminated land officer. It has been agreed that our standard contaminated land conditions be imposed and that any outstanding matters be addressed at the condition stage.

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 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. The developer has confirmed they will be paying this contribution. A legal agreement has been prepared and agreed between all the relevant parties and is due to be signed shortly and in advance of the April planning committee to enable the decision to be issued immediately.

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 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 demonstrably outweigh the benefits of the proposal. On this basis, Members are advised to support the proposal.

Recommendation

That, subject to the signing and completing of the required Legal Agreement, Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Development in accordance with the approved plans
3. Affordable Housing
4. Local Lettings Plan
5. Details of internal carriageway and connection to existing highway - roads to be built to adoptable standards
6. Details of any requirements to re-profile or cut then existing embankment
7. 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
8. Protection of visibility splays
9. Parking provision to be provided before occupation
10. Scheme for traffic and parking management on site
11. Construction Management Plan (including wheel washing/road sweep facilities as required by Members at March meeting)
12. External facing materials and samples to be agreed
13. Precise details of windows/doors and their frames, dormer detail/porch canopies/refuse enclosures

14. Notwithstanding details submitted, details of boundary to be submitted, agreed, implemented and maintained at all times.
15. Development to be carried out in accordance with the FRA
16. Finished floor levels to be provided
17. Surface and foul water drainage details - surface water restricted to 7.2l/s to public sewer
18. Noise mitigation measures to be submitted, agreed and implemented.
19. Tree works schedule and AMS
20. In accordance with AIA (Oct 2014)
21. Notwithstanding details submitted, landscaping scheme to be submitted, agreed and implemented including 10 years maintenance.
22. Standard contaminated land condition (Site investigation to be provided)
23. Standard contaminated land condition (Importation of material)
24. Ecological mitigation and enhancement to be implemented
25. Removal of PD rights (Parts 1 (excluding class H), Part 2 and Part 40.

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

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
14/00170/DIS	40 King Street, Lancaster, Lancashire Discharge of condition 3 relating to stone washing method on previously approved application 12/00690/CU for Mr John Sanderson (Dukes Ward)	Application Refused
14/00180/DIS	Land South Of, King Street, Morecambe Discharge of conditions 3, 4, 7, 8, 9, 11, 14, 16, 17, 18, 20, 21, 22 and 24 on previously approved application 14/01161/VCN for (Poulton Ward)	Initial Response Sent
14/00182/DIS	Langthwaite Filter House, Langthwaite Road, Quernmore Discharge of conditions 4, 5, 6, 7, 9, 11, 13, 14, 18, 20, 22, 23, 24 and 25 on approved application no. 13/00978/CU for Mr Matt Whittle (Ellel Ward)	Initial Response Sent
14/00875/FUL	Silverdale Moss, Silverdale Moss Road, Silverdale Extension of bund around field edge by 500m and existing 950m bund to be raised by 0.5m for Mr Alasdair Grubb (Silverdale Ward)	Application Permitted
14/00964/CU	Former Caton Youth Club, Copy Lane, Caton Change of use of office (B1) to funeral directors (A1) and one 2-bed flat (C3) and erection a garage to the front elevation for Mr Robert Counce (Lower Lune Valley Ward)	Application Permitted
14/01007/OUT	Lane House Farm, Kirkby Lonsdale Road, Arkholme Outline application for the erection of an agricultural workers dwelling including access, associated package treatment plant and demolition of existing buildings for Mr & Mrs R Cornall (Kellet Ward)	Application Refused
14/01053/FUL	Swarthdale House, Swarthdale Road, Over Kellet Demolition of existing garden buildings and erection of a replacement garage building and greenhouse for Mr & Mrs A+A Sambrook (Kellet Ward)	Application Permitted
14/01103/LB	Nat West Bank, 68 - 70 Church Street, Lancaster Listed building application for works including partial removal of stud partitions and installation of new partitions, installation of various external signage, installation of light fitting to internal heritage ceiling and internal repainting for Mr Barry Mackay (Dukes Ward)	Application Permitted
14/01104/ADV	Nat West Bank, 68 - 70 Church Street, Lancaster Advertisement application for 2 welcome signs, 2 letterplate signs, an internally illuminated ATM surround, 1 ATM tablet, 1 internally illuminated hanging sign, 3 non illuminated single letter fascia signs to the front and side, 2 externally illuminated projecting signs and side and 1 car park sign for Mr Barry Mackay (Dukes Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01119/FUL	Land Near 9 Leach House Lane, Galgate, Lancashire Erection of one 2 storey dwelling with associated alterations to existing access for Mr E Bradshaw (Ellel Ward)	Application Permitted
14/01133/FUL	Land To The South Of Acorn Meadow, Bolton Le Sands, Lancashire Erection of a detached 4-bed dwelling and garage for Mr C. Ashby (Bolton Le Sands Ward)	Application Permitted
14/01146/LB	Todds House, Melling Road, Melling Listed building application for the replacement of 2 front windows and 1 rear window and insertion of a small window into the front door for Mr Steph Williams (Upper Lune Valley Ward)	Application Permitted
14/01185/FUL	Lunecliffe Barn, Lunecliffe Road, Lancaster Erection of a building comprising 4 stables and storage for agricultural and equestrian supplies and equipment for Mr & Mrs David & Sarah Watson (Scotforth West Ward)	Application Permitted
14/01186/VCN	St Georges Quay Development Site, St Georges Quay, Lancaster Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of condition 2 on planning permission 13/01200/FUL to amend plans for the Greyfriars house type and the apartment blocks) for Mr Daniel Golland (Dukes Ward)	Application Permitted
14/01196/FUL	Islay, The Shore, Hest Bank Demolition of the existing dwelling and construction of a replacement dwelling for Mr T Johnson (Slyne With Hest Ward)	Application Permitted
14/01198/FUL	113 Bowerham Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr V Hannigan (John O'Gaunt Ward)	Application Permitted
14/01199/FUL	6 Campbell House, Campbell Drive, Lancaster Creation of a garden area to the rear including new steps and garden store for Mr Lisa Baxter (Bulk Ward)	Application Permitted
14/01225/FUL	Garages Opposite Kids Club, Dallas Road, Lancaster Demolition of garages and erection of two 3 storey houses for Mr James Goddard (Dukes Ward)	Application Permitted
14/01230/FUL	Sofidel, Lansil Way, Lancaster Erection of a detached outbuilding to the rear for Mr Federico Vannini (Bulk Ward)	Application Permitted
14/01244/FUL	3 Newmarket Avenue, Lancaster, Lancashire Demolition of existing porch and erection of a single storey side/rear extension and a single storey front extension and construction of raised decking area to rear for Dr Elizabeth Price (Scotforth East Ward)	Application Permitted
14/01255/VCN	Market Hall, Common Garden Street, Lancaster Alterations (including demolition) and extension to former Market Hall and existing retail units to create a 2-storey retail unit, including associated realignment of existing pedestrian mall and creation of a new pedestrian mall into Marketgate (pursuant to the variation of condition 4 on planning permission 13/01172/FUL to amend the shopfront to bring the shutters forward of the glass) for Mr Phil Tomlain (Dukes Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

14/01281/FUL	Hillcroft Nursing Home, Throstle Grove, Slyne Construction of front and rear dormers for Mr John Ayrton (Slyne With Hest Ward)	Application Permitted
14/01306/LB	Burrow Hall, Burrow Road, Burrow Listed building application for the installation of a drainage system and structural beam for new first floor bathroom, alterations to existing window seats to integrate concealed radiators and creation of two internal first floor doorways for Mr J Warburton (Upper Lune Valley Ward)	Application Permitted
14/01324/FUL	1 Slyne Road, Bolton Le Sands, Carnforth Demolition of existing dwelling and erection of a replacement two storey detached dwelling for Mr J. Hoey (Bolton Le Sands Ward)	Application Permitted
14/01326/ELDC	48 Main Road, Bolton Le Sands, Carnforth Existing Lawful Development application for the use of the property as a mixed use comprising of the sale of hot and cold food for consumption off the premises for Mr Russell Walsh (Bolton Le Sands Ward)	Application Permitted
14/01331/LB	The Castle , Castle Park, Lancaster Listed building application for the temporary removal of doors to the eastern elevation for Mr Graeme Chalk (Castle Ward)	Application Permitted
14/01334/FUL	Lancaster University , Bailrigg Lane, Lancaster Erection of single storey extension to the rear, installation of new entrance, installation of replacement window, installation of larger windows to the rear and modification of existing window to the west elevation on the Ennerdale Building (Graduate college) for Lancaster University (University Ward)	Application Permitted
14/01338/FUL	3 Malvern Avenue, Lancaster, Lancashire Erection of a first floor extension to the side for Mr Steve Bland (Scotforth West Ward)	Application Permitted
14/01348/FUL	6 Church Hill Avenue, Warton, Carnforth Erection of a single storey rear conservatory for Mr Phillip Hudson (Warton Ward)	Application Permitted
14/01351/FUL	69 Dale Street, Lancaster, Lancashire Erection of a rear extension at first floor and a single storey extension to the rear for Mr F. Mussa (John O'Gaunt Ward)	Application Permitted
14/01353/FUL	Lancaster House Hotel, Green Lane, Ellel Installation of 340 roof-mounted Solar PV panels for Mr Benjamin Berry (University Ward)	Application Permitted
14/01355/FUL	Grayrigg, Gaskell Close, Silverdale Construction of two dormers to the rear elevation for Mr John Whittaker (Silverdale Ward)	Application Permitted
14/01357/FUL	91 Silverdale Road, Yealand Redmayne, Carnforth Erection of a single storey rear extension and construction of a porch to the front elevation for Miss S Harrison (Silverdale Ward)	Application Permitted
14/01359/FUL	The Hawthorns Caravan Park, Main Road, Nether Kellet Change of use application for the retention of land as amenity area for Mr Deryck Wright (Kellet Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01360/CU	Box Tree, Ravens Close Road, Wennington Change of use of barn to 4-bed dwellinghouse (C3) for Ian Armour (Upper Lune Valley Ward)	Application Refused
14/01362/LB	Midland Hotel, Marine Road Central, Morecambe Listed building application for the installation of air conditioning units and the siting of an external heat pump for English Lakes Hotels (Poulton Ward)	Application Permitted
14/01369/ADV	22 Euston Road, Morecambe, Lancashire Advertisement application for the display of externally illuminated fascia and projecting signs for Mr Paul Litchfield (Poulton Ward)	Application Permitted
14/01370/LB	City Lab, 4 - 6 Dalton Square, Lancaster Listed Building Application for the replacement of two windows for Mr Peter Eccleston (Dukes Ward)	Application Permitted
15/00003/FUL	14 Lindeth Close, Silverdale, Carnforth Erection of a two storey side extension and demolition of front porch and erection of a replacement porch for Mr R. Brook (Silverdale Ward)	Application Permitted
15/00004/FUL	17 Brookfield Close, Bolton Le Sands, Carnforth Construction of a dormer to the rear for Mr & Mrs G. Micklethwaite (Bolton Le Sands Ward)	Application Refused
15/00009/DIS	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Discharge of conditions 6, 7, 8, 9, 10, 11 and 12 on previously approved application 14/00972/FUL for Mr (Dukes Ward)	Application Permitted
15/00009/LB	Old Malt House, Melling Road, Melling Listed Building Application for the replacement of a fireplace for Mr JAC Beeson (Upper Lune Valley Ward)	Application Permitted
15/00010/FUL	Conderside Farm , Littlefell Lane, Lancaster Retrospective application to retain a containerised biomass boiler for A Shade Greener (Lower Lune Valley Ward)	Application Permitted
15/00011/DIS	Land South Of Orchard House, Lodge Lane, Wennington Discharge of conditions 4, 5, 6, 7, 8, 9, 10 and 11 on application 14/00006/FUL (application allowed at appeal) for Mr Paul Wood (Upper Lune Valley Ward)	Request Completed
15/00011/FUL	38 Walker Grove, Heysham, Morecambe Demolition of existing conservatory, first floor balcony and outbuildings and erection of a part single storey part two storey rear extension for Mrs T Wilcock (Heysham South Ward)	Application Permitted
15/00013/DIS	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Discharge of conditions 3 and 4 on approved application 14/00973/LB for Mr (Dukes Ward)	Application Permitted
15/00016/DIS	3 Castle Hill, Lancaster, Lancashire Discharge of conditions 3 and 4 on approved application 14/00205/LB for Mr Rob Morrish (Castle Ward)	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

15/00017/DIS	4 - 5 Old Station Yard, Kirkby Lonsdale, Carnforth Discharge of conditions 3, 4 and 5 on approved application 14/01087/FUL for Mr Lee Derbyshire (Upper Lune Valley Ward)	Application Permitted
15/00021/DIS	St Michaels House, Main Street, Whittington Discharge of conditions 5, 6 and 7 on application 14/00375/FUL for Mr & Mrs Stuart Newstead (Upper Lune Valley Ward)	Application Permitted
15/00023/VCN	67 King Street, Lancaster, Lancashire Construction of a six storey development with A1 retail use at ground and first floors with a 115 bedroom hotel at second to fifth floors (pursuant to the variation of condition 24 on planning permission 08/01129/FUL to extend opening hours from 06:00 to 23:00 daily to 06:00 to 00:00 daily) for Tesco Stores Ltd (Dukes Ward)	Application Permitted
15/00025/DIS	Proposed Dwelling Plot, 10 Warton Road, Carnforth Discharge on conditions 3, 4, 9 and 10 on 14/00425/FUL for Mr & Mrs M Clarkson (Carnforth Ward)	Application Withdrawn
15/00025/FUL	Lancaster Golf Club, Ashton Road, Ashton With Stodday Installation of biomass boiler and flue into existing garage with associated pipe work for Mr Gary Yates (Ellel Ward)	Application Permitted
15/00026/LB	Lancaster Golf Club, Ashton Road, Ashton With Stodday Listed building application for the installation of biomass boiler and flue into existing garage with associated pipe work for Mr Gary Yates (Ellel Ward)	Application Permitted
15/00027/FUL	Land Rear Of 85, Main Road, Bolton Le Sands Erection of a new single storey residential dwelling with associated landscaping and access (resubmission of approved application 13/0119/FUL) for Professor Barbara Maher (Bolton Le Sands Ward)	Application Permitted
15/00028/FUL	Cinder Hill Farm, Starbank, Ellel Erection of an agricultural building for Mr S Burrow (Ellel Ward)	Application Permitted
15/00029/FUL	1 Parsonage Close, Morecambe, Lancashire Erection of a first floor side extension for Mr Paul Jackson (Westgate Ward)	Application Permitted
15/00030/DIS	George Hotel, 302 Lancaster Road, Morecambe Discharge of conditions 13 and 14 on approved application 13/01154/FUL for Daniel Thwaites Plc (Torrisholme Ward)	Request Completed
15/00030/FUL	6 Glentworth Road East, Morecambe, Lancashire Construction of a rear dormer for Mr J. Wallace (Westgate Ward)	Application Permitted
15/00032/DIS	6 Throstle Grove, Slyne, Lancaster Discharge of conditions 3, 4 and 5 on planning permission 14/00697/FUL for Mr & Mrs K+H Watkins Eastham (Slyne With Hest Ward)	Application Permitted
15/00033/FUL	Latham House, Abbeystead Lane, Dolphinholme Erection of a two storey rear extension and conversion of garage to office/gym for Mr & Mrs ARMER (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00036/LB	5 Westfield Hamlet, Nether Kellet, Carnforth Listed building application for the 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 for Mr A Wilkinson (Kellet Ward)	Application Permitted
15/00039/FUL	70 Slyne Road, Bolton Le Sands, Carnforth Erection of a new building for caravan sales and repairs for Mr Stephen Hall (Slyne With Hest Ward)	Application Permitted
15/00042/LB	Castle Station, Westbourne Road, Lancaster Listed building application for the installation of a free standing internally illuminated totem sign for Mr Thomas Johnston (Castle Ward)	Application Permitted
15/00043/FUL	1 Alma Road, Lancaster, Lancashire Erection of a two storey rear extension, construction of dormers to both the front and rear elevations and demolition of existing outbuildings for Mr K Davison (Scotforth West Ward)	Application Permitted
15/00045/FUL	West Sheen, 2 The Drive, Hest Bank Erection of a two storey extension to the north elevation for Mr Simon Bowker (Slyne With Hest Ward)	Application Permitted
15/00053/LB	Castle Station , Westbourne Road, Lancaster Listed building application for installation of air conditioning units for Network Rail Infrastructure Ltd (Castle Ward)	Application Permitted
15/00062/FUL	10 Alderman Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs I Dodd (Scotforth West Ward)	Application Permitted
15/00065/FUL	9 Kirklands, Hest Bank, Lancaster Erection of a single storey side and rear extension for Mr & Mrs J. Pilkington (Slyne With Hest Ward)	Application Permitted
15/00076/FUL	7 Clevelands Avenue, Silverdale, Carnforth Erection of a single storey side extension with accommodation in the roofspace and link porch for Mr And Mrs J Stonehouse (Silverdale Ward)	Application Permitted
15/00077/FUL	72 Norton Road, Heysham, Morecambe Erection of a single storey rear and side extension, car port to the side and a raised patio area to the rear for Ms L Simpson (Heysham Central Ward)	Application Permitted
15/00090/FUL	15 Moorside Road, Brookhouse, Lancaster Erection of single storey side and rear extension for Mr Ian Conroy-Taylor (Lower Lune Valley Ward)	Application Permitted
15/00093/FUL	Country Style Meats Farm Shop, Lancaster Leisure Park Ltd, Wyresdale Road Erection of a single storey extension for Mr Alan Beecroft (John O'Gaunt Ward)	Application Permitted
15/00097/FUL	The Morecambe Hotel, 25 Lord Street, Morecambe Alterations and repairs to existing wall and access gate for Mr R. Taylor (Poulton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00098/LB	The Morecambe Hotel, 25 Lord Street, Morecambe Listed building application for repairs and alterations existing wall and access gate for Mr R. Taylor (Poulton Ward)	Application Permitted
15/00103/FUL	Langthwaite Heights, Langthwaite Road, Quernmore Erection of an agricultural storage building for Mr Nelson Pye (Ellel Ward)	Application Permitted
15/00104/CCC	Sandylands Community Primary School, Hampton Road, Heysham Erection of a new detached flat roofed single storey reception and nursery building for Mrs A Hickson (Heysham North Ward)	No Objections
15/00109/PAD	Workshop, Long Level, Cowan Bridge Prior approval for the demolition of workshop for Ms L Jones (Upper Lune Valley Ward)	Prior Approval Not Required
15/00118/FUL	Railway Cottage, Corricks Lane, Conder Green Erection of a single storey extension to the front of existing tea room for Mr D Sharratt (Ellel Ward)	Application Permitted
15/00124/FUL	82 Michaelson Avenue, Morecambe, Lancashire Erection of a detached garage to the rear for Mr M Callin (Torrisholme Ward)	Application Permitted
15/00168/NMA	Railton Hotel, 2 Station Road, Lancaster Non-material amendment on planning permission 14/00759/CU to alter the rear elevation to increase floor area and remove indentation for Back2BasePropertiesLtd (Castle Ward)	Application Permitted
15/00169/FUL	32 Bridge Road, Nether Kellet, Carnforth Construction of a dormer to the front elevation for Mrs Lara Danson (Kellet Ward)	Application Permitted
15/00179/RCN	Meadow Court, Tarnwater Lane, Ashton With Stodday Erection of a detached bungalow (pursuant to removal of condition 2 on approved application 2/4/6850 to allow unrestricted occupancy) for Mrs Brenda Gates (Ellel Ward)	Application Permitted
15/00183/FUL	Proposed Dwelling Plot, 10 Warton Road, Carnforth Erection of a new dwelling with associated access for Mr & Mrs M Clarkson (Carnforth Ward)	Application Permitted
15/00202/PLDC	23 Westover Road, Warton, Carnforth Proposed Lawful Development Certificate for the erection of a single storey side/rear extension for Mr Roger Palmer (Warton Ward)	Application Withdrawn
15/00254/ELDC	18 Hubert Place, Lancaster, Lancashire Existing Lawful Development Certificate for change of use to a house in multiple occupation for Mr C. Ashby (Castle Ward)	Application Withdrawn