



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: FRIDAY, 5 JUNE 2015

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

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

Apologies for Absence

1 Appointment of a Vice-Chairman

2 Minutes

Minutes of meeting held on 5th May 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 15/00113/FUL	9 Pennine View, Dolphinholme, Lancaster	Ellel Ward	(Pages 1 - 6)
		Demolition of garage and utility room, erection of a new dwelling and re-positioning of existing access point for Mr & Mrs Prest		
6	A6 14/01344/OUT	Land South Of, Low Road, Halton	Halton-with-Aughton Ward	(Pages 7 - 21)
		Outline application for the development of 60 dwellings with associated access for Mr F Towers		
7	A7 14/00713/VLA	Halton Mill, Mill Lane, Halton	Halton-with-Aughton Ward	(Pages 22 - 30)
		Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT to vary the terms of the Fourth Schedule concerning affordable housing in relation to the applicants land only, remove the requirements to obtain covenants from future land owners to restrict vehicular use over Mill Lane between points A and B (as set out in the Third Schedule) and to discharge the obligations relating to public open space and the provision of the industrial buildings for Halton Mills Ltd		
8	A8 14/01030/FUL	Agricultural Building Adj Disused Railway, Station Road, Hornby	Upper Lune Valley Ward	(Pages 31 - 38)
		Erection of 9 dwellings and associated access for Mr Ian Beardsworth		

9	A9 15/00199/FUL	Land At Walkers Industrial Estate, Middleton Road, Middleton	Overton Ward	(Pages 39 - 45)
		Erection of a freight depot (B8/B2) comprising a new detached building with offices, vehicle workshop and warehouse with external hardstanding area for Mr Vincent Waddell		
10	A10 15/00537/FUL	Land To The Rear Of Burr Tree Cottage, Long Level, Cowan Bridge	Upper Lune Valley Ward	(Pages 46 - 51)
		Erection of 18 dwellings with associated access and parking for Mr Richard Morton		
11	A11 15/00271/LB	Galgate Mill , Chapel Lane, Galgate	Ellel Ward	(Pages 52 - 63)
		Listed building application for works to the Mill including removal of external lift and reinstated openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, creation of atrium and light well, insertion of rooflights, repairs to brickwork and repointing, glazed porch addition, creation of ramp and handrail, security gate, insertion of partitions, ceilings, air conditioning, lift, stairs, internal ramp and flues for Mr Ayub Hussain		
12	A12 15/00310/CU	92 Clarendon Road West, Morecambe, Lancashire	Heysham North Ward	(Pages 64 - 67)
		Change of use of ground floor shop (A1) to one 2-bed flat (C3) and additional residential accommodation for one of the existing first floor flats, removal of existing shop front and construction of two replacement bay windows for Mr A. Scotucci		

13 **A13 15/00565/FUL** **48 Branksome Drive, Morecambe, Lancashire** **Westgate Ward** **(Pages 68 - 70)**

Erection of single storey side and rear extension and access ramp for Mr T Greenwood

14 **Delegated Decisions (Pages 71 - 79)**

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Roger Sherlock (Chairman) June Ashworth, Stuart Bateson, Eileen Blamire, Carla Brayshaw, Dave Brookes, Sheila Denwood, Helen Helme, Andrew Kay, James Leyshon, Margaret Pattison, Robert Redfern, Sylvia Rogerson, Malcolm Thomas and Peter Yates

(ii) Substitute Membership

Councillors Susie Charles (Substitute), Mel Guilding (Substitute), Geoff Knight (Substitute), Richard Newman-Thompson (Substitute), Jane Parkinson (Substitute) and David Smith (Substitute)

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

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

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

Published on Wednesday, 27 May 2015.

Agenda Item A5	Committee Date 5 June 2015	Application Number 15/00113/FUL
Application Site 9 Pennine View Dolphinholme Lancaster Lancashire	Proposal Demolition of garage and utility room, erection of a new dwelling and re-positioning of existing access point	
Name of Applicant Mr & Mrs Prest	Name of Agent Mr Avnish Panchal	
Decision Target Date 30 March 2015	Reason For Delay Officer case load and Committee site visit	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval with conditions	

(i) Procedural Matters

This application would usually be considered under delegated powers but has been called-in to Planning Committee by Councillor Helme because of concerns relating to neighbour impact. The application was deferred by Members at Planning Committee on 5th May for a site visit.

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this application is a two storey semi-detached dwelling which is situated on the northern edges of the village of Dolphinholme. The property has a dash render exterior under a slate roof and upvc window frames. There is a pitched roof porch to the front elevation and a flat roofed utility room and garage which projects 8m from the side (southern) elevation. There is a single storey lean-to roof extension which projects approximately 2m from the rear elevation. The property occupies a triangular plot which measures approximately 36m deep and the site frontage is relatively wide, measuring approximately 21m. It narrows to around 5m to the rear with the private garden area having an approximate area of 160sqm. Side boundaries are formed by timber panel fencing at approximately 1.5m high. Land levels increase from south to north to the front of the site.
- 1.2 Residential dwellings are situated to the north, south and east of the site with open fields to the west. Pennine View was originally built as post-war local authority housing and is arranged in three distinct blocks, with the southernmost and 'central' block facing onto a triangular green. The properties predominantly comprise semi-detached and quasi-semi-detached (i.e. separated by attached garages) properties. The central block (Numbers 5-8) appear as a terrace. The application site sits at the southern end of the northernmost block. Due to the layout of Pennine View, rear garden depths of neighbouring properties vary significantly.
- 1.3 A grass verge which runs in a north-south direction to the front of the subject property separates the northern block from Star Bank Lane to the east. There are three points of access from the main highway into Pennine View and vehicular parking is provided within off-street driveways as well as on the highway within Pennine View itself. The site lies within close proximity to a bus route in addition to the village school.

1.4 The site is within the Countryside Area as designated on the Lancaster District Local Plan proposals map.

2.0 The Proposal

2.1 The application proposes the erection of a new two-bedroomed, two-storey dwelling, set against the southern elevation of the property following demolition of the existing garage and utility room. Plans include off street parking for the new dwelling in addition to a new point of vehicular access for No.9.

3.0 Site History

3.1 The most relevant application to reach decision stage is 04/00836/FUL which proposed a similar form of development, but to provide holiday accommodation instead of permanent residential accommodation. The application was refused in July 2004, on the grounds of undue impacts on the host property (No.9) and loss of parking provision for that property. A third refusal reason stated that the location of the proposal within a residential estate was unsuitable for holiday accommodation.

3.2 More recently an application similar, but not the same as the current proposal was withdrawn following officer concerns. The new application seeks to address those officer concerns.

Application Number	Proposal	Decision
14/01258/FUL	Demolition of garage and utility room, erection of a new dwelling and re-positioning of existing access point	Withdrawn
04/00836/FUL	Erection of a two storey building to form holiday accommodation	Refused
03/00267/FUL	Erection of a new dwelling attached to existing dwelling	Withdrawn

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.
Parish Council	Objection on the basis that it is "cramming". Concerned about an increase of on street parking, exacerbating a dangerous area with respect to potential traffic related accidents. It also removes privacy for the unattached next door neighbour.
Environmental Health	No objections subject to conditions.
United Utilities	No objections – comments to be included with decision as advice.

5.0 Neighbour Representations

5.1 At the time of drafting the report 3 letters of objection have been received from neighbouring residents. The following points of concern are raised:

- An understanding that the previous application was refused due to the proximity to boundary and overlooking – the application remains inappropriate for those reasons;
- Increases in parking and traffic movement and consequences for surrounding highway network and junctions;
- Detrimental to the character of the existing residential development and terracing effect;
- Detrimental to existing residential amenity of neighbouring properties in terms of overlooking, privacy, loss of light, etc;
- The plans submitted are incomplete and inaccurate in showing the proximity of the outlined new dwelling to no.8 as they have failed to show garage attached to that property.
- There have been occasions in the past when the sewage system at Starbank Lane has been unable to cope. An additional property would increase potential for future problems;
- Precedent for similar development within this row.

- Devaluation of property (not a planning consideration);
- The owner of no.8 would not allow his boundary fence to be replaced (private matter).

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
Paragraphs 49, 50 and 55 - Delivering Housing
Paragraphs 56-64 – Good Design

6.2 Lancaster District Development Management DPD

Policy DM22 – Vehicle Parking Provision
Policy DM35 – Key Design Principles
Policy DM41 – New Residential dwellings
Policy DM42 – Managing Rural Housing Growth

6.3 Lancaster District Core Strategy (adopted July 2008)

Policy SC1 – Sustainable Development

6.4 Lancaster District Local Plan (saved policies)

Policy E4 – Countryside Area

7.0 Comment and Analysis

7.1 The key material considerations arising from this application are:

- Principle of Development
- Design, Scale and Appearance
- Residential Amenity
- Highways Impacts

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. The site lies within Dolphinholve which is identified as one of the sustainable rural settlements in the District with a range of services available in the village and where proposals for new housing will be supported.

7.2.2 In terms of general housing need, the 2014 Housing Land Supply Statement (July 2014) sets out that only 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last ten years. As such, a 5-year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Development within Dolphinholve alongside existing residential development is considered to be sustainably located and as such would make a contribution towards housing supply within the District in a location which can be supported in principle.

7.3 Design, Scale and Appearance

7.3.1 The scheme proposes a pitched-roof property which will effectively form an end-terraced dwelling with materials and front window details to match those of no.9 and the surrounding properties within Pennine View. Due to the increase in land levels from south to north the development will be set down from No.9 by 800mm and will therefore appear as a subservient addition to the row. The

dwelling will be 7m wide with the southern gable being approximately 5.5m deep. A two-storey gable element will project 2.5m from the rear elevation with a lean-to providing a further 1m projection at the ground floor.

- 7.3.2 In terms of scale and appearance it is considered that the dwelling would sit relatively comfortably next to No.9 from a streetscene perspective. Public comments have suggested that this is an inappropriate location to “squeeze” an additional property into an established row of homes which could lead to other properties on the row doing likewise and altering the character of the development. However each case must be determined on its own merits and due to the layout and orientation of the properties within Pennine View, and differing land levels, the gap between No.9 and No.8 is more pronounced and therefore it is considered that the new dwelling would not be at odds with the rest of the streetscene. Furthermore No.9 has a wider frontage than many other properties within Pennine View and it is therefore considered that it is unlikely that similar forms of development could be accommodated within the streetscene.
- 7.3.3 It is worth noting that the property at the northern end of this row has already been developed with the addition of a two storey extension which includes a rear gable projection. Therefore the original form and layout of this residential development has already been altered to some degree (albeit as an extension rather than a new dwelling).

- 7.3.4 It is concluded that in terms of design, scale and appearance the development could be acceptable and would not result in detrimental impacts on the visual amenity of the streetscene.

7.4 Residential Amenity

- 7.4.1 In terms of residential amenity policy DM35 of the DM DPD advises that new dwellings should incorporate at least 50 square metres of usable private garden space which should be at least 10 metres deep. The scheme exceeds this in both respects with both the remaining garden of number 9 and the garden of the proposed dwelling each having an approximate area of 80 sqm.

- 7.4.2 It is also considered that the proposed internal layout of the new dwelling would provide an acceptable standard in terms of room size with the following approximate dimensions:

- Bedroom 1 – 15 sq.m plus built in wardrobe
- Bedroom 2 – 10.5 sq.m plus en-suite
- Bathroom – 6 sq.m
- Lounge – 14.1 sq.m
- Kitchen/diner – 14 sq.m
- Ground floor also includes a hallway, w.c. and front porch.

- 7.4.3 As this report indicates, the property has been the subject of a refusal back in 2004 for extension to create holiday accommodation. The first refusal reason of the 2004 scheme related to detrimental impacts on the windows of the host property (No.9) due to the rear projection. The current submission reduces the rear projection and sets it away from the adjoining property by 1m. It is therefore considered that the current scheme satisfies this point of concern.

- 7.4.4 The design of the scheme seeks to limit its impact upon No.8 and it is worth noting that the 2004 scheme was not considered to result in adverse impacts on this neighbouring property. At its closest point the new dwelling will be set in by 1m from the boundary with no.8. The main side elevation of No8 is set approximately a further 4m away and is separated from the boundary by an attached garage. The two storey element will be approximately 11m away from the side elevation of the rear conservatory projection of No.8 and as such it is considered that it would not result in overbearing impacts.

- 7.4.5 The first floor rear bathroom window will be the closest upper aperture to No.8 on the rear elevation and will be obscure glazed. Due to the splayed nature of the site the first floor rear bedroom window will be approximately 12m from the side boundary. The plans propose the erection of a 1.8m side boundary fence, but despite this the development is likely to provide long views towards the most western part of the neighbouring garden. However it is accepted that within residential development there will be a degree of mutual overlooking of garden areas and this is indeed already evident in the locality. Other views towards No.8 would be oblique and proposed windows would not present opportunities for direct views into the property.

7.4.6 Whilst there has been some concern raised locally at the prospect of loss of views, the orientation of the development limits this. In any case, the loss of a view is not a planning consideration that can be taken into account in the planning balance.

7.4.7 On balance it is considered that the scheme would maintain an acceptable level of residential amenity for the subject property while not resulting in significant impacts on neighbouring residential amenity.

7.5 Highway Impacts

7.5.1 The second refusal reason in 2004 related to the loss of parking behind the building line for the host dwelling and a failure to provide such space for the new dwelling. As such the scheme failed to comply with the requirements of policy which was in place at that time, which sought to avoid parked vehicles forward of the building line adding to streetscene clutter. Although this standpoint is generally maintained with regard to open plan developments, a more flexible approach appears to be adopted by Planning Inspectors if the applicant can demonstrate that some form of off-street parking can be maintained within the curtilage of the property. The current scheme provides parking space for each property within respective drives off Pennine View and given the nature of the surrounding dwellings and the set-back of this part of Pennine View from Star Bank Lane it is considered that this would not result in an undue impact on the streetscene.

7.5.2 A number of neighbouring comments have made reference to the junction of Pennine View with Star Bank Lane and Four Lane Ends and raised concerns relating to highway safety. There are three points of access to Pennine View and at the time of the site visit the area appeared to be lightly trafficked. Furthermore the County Council Highways Department has raised no concerns regarding highway safety in relation to the development.

7.6 Other Matters

7.6.1 The Contaminated Land Officer has requested a number of conditions relating to contaminated land. The site comprises an existing dwelling and its associated garden. There is no evidence to suggest that the site has been subjected to levels of contamination and therefore there would be unlikely to be any risk to future occupants from contaminated land. As such it is unreasonable to request a contaminated land survey. A condition can be added, if consent is granted, to ensure that any unforeseen contamination found during the course of the development is investigated and adequately remediated.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The site is located in a sustainable location, adjacent to existing development with links to services. The development will provide a small contribution towards housing supply within the District. On balance it is considered that the development can be accommodated on the site without a significant impact on residential amenity, the highway network, or the character and appearance of the street scene. In respect of these matters, it is considered that the development is in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

Recommendation

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

1. Standard 3 year timescale
2. Amended plans dated 16th April 2015
3. Development in accordance with approved plans
4. Materials to match existing
5. Obscure glazing/non opening bathroom window
6. Removal of permitted development rights
7. Precise details of windows and doors including profile and colour
8. Details of boundary fence to be agreed and maintained

9. Scheme for the construction of the off-site works of highway improvement (new and repositioning of existing vehicular drop crossing) to be submitted and agreed
10. Existing access to be closed
11. Details of driveway surface to be submitted and agreed
12. Hours of construction
13. Unforeseen contamination

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the provisions of the above legislation, Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and Supplementary Planning Documents/Guidance.

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 5 June 2015	Application Number 14/01344/OUT
Application Site Land South Of Low Road Halton Lancashire	Proposal Outline application for the development of 60 dwellings with associated access	
Name of Applicant Mr F Towers	Name of Agent Mr Jay Everett	
Decision Target Date Extension of time agreed until 24 June 2015	Reason For Delay Awaiting further information	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval subject to the resolution of ecology issues	

1.0 The Site and its Surroundings

- 1.1 The site relates to part of an agricultural field located adjacent to the south eastern edge of the village of Halton. It is roughly triangular in shape and wraps around the existing residential development on Low Road, Forgewood Close and Forgewood Drive. The site area is just under 4 hectares. The northern most boundary of the site borders Low Road and consists of a hedgerow and a row of mature trees. There is a grassed verge between this and the road and there is an existing gated access into the site at the eastern end of this boundary. There is a significant change in levels across the site with the land rising steeply to the south. A line of electricity pylons crosses the field in a northeast – southwest direction adjacent to the site boundary.
- 1.2 Eighteen residential properties share a boundary with the site and are predominantly dormer bungalows. These are to the north and west of the site and the majority are at a lower level than the part of the site that they adjoin. There are also some residential properties, slightly further from the site, to the south west on Mill Lane and Forgebank Walk. A public right of way follows the line of the former and continues beyond this in a north easterly direction. There is a wooded area between this and the site which is protected by a Tree Preservation Order (TPO). This designation also covers some other groups of trees, mainly offsite but also those adjacent to the boundary with Low Road.
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and is approximately 120m from the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The majority of the site is located within a Mineral Safeguarding Area. The River Lune is located approximately 40m from the most southern part of the site and is a biological heritage site, with the designated area extending up to the application site. There are also two additional public footpaths on either side of the river.

2.0 The Proposal

- 2.1 Outline planning permission is sought for the erection of 60 dwellings and includes the creation of a new access. This would utilise the position of the existing field access with alterations to meet the requirements of the Highways Authority. A footway is also proposed along Low Road from the site's point of access up to the junction with Forgewood Drive, which is an approximate distance of 135m.

Permission is not sought for the scale, layout and appearance of the development or the landscaping or boundary treatments and would be assessed as part of a subsequent reserved matters application if outline consent is granted.

3.0 Site History

3.1 There is no recent relevant planning history on the site except for the Screening Opinion in relation to the proposed development.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Objection includes the following reasons: <ul style="list-style-type: none"> • On Green Belt surrounding the village and outside previously-agreed built village boundaries (<i>Note: contrary to this the land does <u>not</u> form part of the North Lancashire Green Belt</i>) • Would lead to the development of the remainder of the land within the applicant’s ownership which is within the AONB • Visual importance of land to the AONB and the setting of the Crook o’ Lune • This application makes no reference to the Parish Plan and is submitted in defiance of its aspirations • Unwelcome expansion of the rural village – should not be an urban extension of Lancaster • Concerns regarding infrastructure capacity including: sewerage; school places; bus services; traffic issues with the new M6 Link road • The topography is steep and prohibitive to house and road construction • Risk of flooding to existing housing • The Strategic Housing Land Availability Assessment (SHLAA) notes that this site may be able to accommodate 45 houses but "Officers have no evidence that this is achievable." • Absence of consultation on the village built boundary; and the consultation summary is not representative of the views of residents
Environmental Health	Conditions requested include those relating to land contamination; hours of construction and a scheme for dust control. Measures should also be sought in relation to air quality (e.g. cycling facilities, electric charging points, etc).
Tree Protection Officer	Given that the site rises steeply from the north to southern aspect, there is likely to be a requirement to significantly alter existing ground levels which may have a significant impact on the retained on and off-site trees. The applicant must demonstrate that trees can be adequately retained and protected. New tree planting would be a requirement in order to improve the greening and potential screening between the private and public domain.
Public Realm Officer	Amenity Space is to be provided for developments proposing more than 10 dwellings and should be maintained by the developer in perpetuity. A cost for offsite contribution is difficult to assess without full housing details. However, it is expected that the development will be required to contribute around £30,000 to the ongoing development of facilities for outdoor sports, young peoples and children’s demand.
Engineer	Support the application from a flood risk/drainage perspective, and recommend conditions: to implement drainage in accordance with the submitted flood risk assessment and Drainage Strategy; and submit a maintenance plan for the proposed drainage network and soakaways for the lifetime of the development.
County Highways	No objection. Pedestrian/cycle means of access incorporating staggered barriers from Forgewood Close/Drive to be incorporated into the schemes overall layout. Application site to be designed around the principles laid out in the document <i>Manual for Streets</i> (MFS) with an emphasis on shared space, change of surface finish and an indication to motorists entering the sites residential surroundings that careful driving at low speeds was the norm. A range of off-site highway improvement works are required. Conditions requested: layout to include provision of vehicles to enter Low

	Road in a forward gear; offsite highway works; and scheme for construction of means of access.
Environment Agency	No objection subject to a condition requiring details of surface water drainage to be submitted.
Natural England	The proposal is not likely to have a significant effect on the interest features for which Morecambe Bay SPA/SAC/Ramsar site or SSSI have been classified. Given the proximity to the Forest of Bowland AONB, advice should be sought from the Forest of Bowland AONB Partnership. Would expect more viewpoints to be identified within the AONB, a Zone of Theoretical Visibility should have been provided, unclear why viewpoints were not chosen on public rights of way that enter the AONB, and should have regard to the AONB Landscape Character assessment.
County Ecology	<p>The preliminary assessment fails to comprehensively assess potential impacts on protected and priority species and habitat, and the application as a whole does not demonstrate that the requirements of relevant biodiversity legislation, planning policy and guidance would be addressed. Further information is necessary to enable determination of this application including: the results of bat activity surveys; assessment of impacts on Species of Principal Importance in England (NERC Act 2006); and, depending on the results of further survey, further revisions to the proposed layout to incorporate avoidance, mitigation and as a last resort compensation for impacts on biodiversity (and possibly offsite compensation).</p> <p>If then minded to approve the application, they request conditions in relation to: restriction of works during bird nesting season; submission of construction Environment Management Plan/Method Statement; if necessary Himalayan balsam shall be eradicated from the site; protection of all retained trees during construction; bird nesting and bat roosting opportunities incorporated into both the built and natural fabric of development; details of external lighting; if more than two to three years elapses between the grant of outline planning permission and reserved matters/full application (or is likely to have elapsed before commencement), updated surveys for protected/priority species will be required. If further survey/assessment indicates that ground nesting priority species of bird (or brown hare) would be adversely affected by development, then additional offsite mitigation/compensation is likely to be required</p>
County Strategic Planning (Education)	Based upon the latest assessment, seek a contribution for 16 primary school places but not towards secondary school places. Calculated at the current rates, this would result in a claim of: £12,029.62 per place totalling £192,474.
County Council Minerals Planning	The site is in a Mineral Safeguard Area (MSA), and as such the applicants should submit a mineral resource assessment.
Public Rights if Way Officer	No comments received
Ramblers Association	No comments received
Forest of Bowland AONB	Following the receipt of further information, confirm that they are satisfied with the explanation of the issues that were originally raised and are comfortable with the findings of the Landscape and Visual Appraisal.
United Utilities	No objection subject to a condition requiring a scheme for the disposal of foul and surface water.
National Grid	No objection
Shell UK	No objection
Lune River Trust	No comments received
Canal and River Trust	No requirement to consult.
Geo Lancashire	Comments to be reported

5.0 Neighbour Representations

5.1 At the time of compiling this report 59 items of correspondence have been received objecting to the application which raise the following concerns:

- Visual impacts – including impact upon the character of the village and setting, especially given topography and impact upon skyline and public views;

- Impact on the Forest of Bowland AONB;
- Impact upon Conservation Area;
- Loss of valued greenfield for housing on an unallocated site – contrary to Parish Plan;
- Loss of Green Belt land (*NB: this site is not in the North Lancashire Green Belt*); and expansion towards Lancaster;
- Loss of agricultural land
- Brownfield or infill sites should be considered first;
- Was included in the SHLAA without local consultation and the proposed density is greater than identified in the document;
- Prematurity (i.e. should be a moratorium on greenfield sites until Neighbourhood Plan has been completed)
- Highway and traffic issues – including exacerbation of capacity once link road is built; speeding; bottleneck on Low Road; parking outside houses; congestion around shops and facilities on High Road; Potential for vehicles to use the Forgewood Estate if access created for emergency vehicles; no incentive to reduce car journeys;
- Wouldn't meet local housing needs;
- Questions need for more housing, including affordable housing;
- Housing needs are overestimated;
- Amenity issues – including overlooking; privacy loss; overshadowing; noise; impact upon light from trees in the buffer zone (and maintenance issues arising); pollution from traffic & lighting;
- Design issues – not in keeping with Forgewood Estate; 3-storey shown on plans are contrary to other details in the submission;
- Infrastructure and Service issues – including capacity of school and village services; location of site away from services; no links with local employment; impacts upon sewerage network and impact of surface water run-off;
- Ecological matters - Impact on wildlife/biodiversity; hedge removal; potential impacts on Regionally Important Geological/Geomorphological Site;
- Proximity to overhead transmission cables; Impact on fibre optic cable being buried on the site; and,
- Potential subsidence and the stability of existing nearby properties.

5.2 1 letter has been received neither objecting or supporting the proposal but providing the following comments:

- Must deliver significant level of affordable housing;
- Commuted sum should be sought to help provide infrastructure in relation to potential bus route along Low Road; and,
- Need visual assessments of dwellings from footpaths and cycleway to inform layout, design and density;

5.3 Correspondence has been received from David Morris MP which raises an objection and the following concerns:

- The development would significantly change the footprint of the village in a vastly rural area;
- Impact on local schools;
- Increase in traffic; and,
- Already a large number of new homes being constructed in Halton.

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

Paragraphs 109, 115 116 – Areas of Outstanding Natural Beauty and valued landscapes

Paragraph 118 – Conserving and Enhancing Biodiversity

Paragraphs 120 -125 – Pollution and Contaminated Land

Paragraphs 131 – 134 and 137 – Designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting Housing Requirements
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 (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages
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
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

6.5 Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan

M2 – Safeguarding Minerals

6.6 Other Material Considerations

Meeting Housing Needs Supplementary Planning Document
Landscape Strategy for Lancashire 2000

7.0 Comment and Analysis

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

- Principle of the development
- Landscape and Visual Impact
- Access and highway impacts
- Residential Amenity
- Ecological Impacts
- Impact on trees and hedgerows
- Flooding and drainage
- Loss of agricultural land
- Affordable Housing
- Open Space provision
- Education provision
- Contaminated land
- Mineral safeguarding

7.2 Principle of the development

7.2.1 Core Strategy Policy SC1 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 and a host of facilities and services. DM DPD Policy DM20 sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. Halton is listed as one of the settlements where new housing will be supported.

7.2.2 Halton has a range of services including a primary school, doctor's surgery, public house, shops,

regular bus services, community centre, sports facilities and good cycle links. The village is in close proximity to the Lancaster which makes it more locationally sustainable than most rural settlements within the District. Policy DM42 sets out criteria against which proposals for rural housing will be assessed, but neither the DPD or the earlier Local Plan Proposals Map identify boundaries around villages in which new development should be contained. The site is located adjacent to the existing built up area of Halton and is considered to be of a scale, in terms of housing numbers, proportionate to the size of the village particularly given its number of services and proximity to Lancaster. The site is not within the North Lancashire Green Belt, as outlined in some of the representations received, which instead lies to the west of Halton, beyond the motorway corridor. A larger site has been assessed within the Council's Strategic Housing Land Availability Assessment (SHLAA) 2014 as being deliverable. This sets out that, *'whilst parts of the site shown would be unsuitable for development due to topography, pylons and the potential visual prominence of dwellings in elevated positions...some development could be accommodated if sensitively designed'*. However this document provides an evidence base rather than being a formal land allocation.

- 7.2.3 In terms of general housing need, the 2014 Housing Land Supply Statement illustrates that only 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing. As such, a 5 year supply of housing land cannot currently be demonstrated. Some of the representations raise concerns regarding the validity and robustness of the assessed housing need figure within the Turley Report. However, until a new plan is adopted, the housing requirement remains as that described in the Core Strategy (400 dwellings per annum) and it is unlikely that the ongoing review would bring the figure below this, based on the council's wider evidence. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. For decision making this means granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or
 - Specific policies in the NPPF indicate development should be restricted.

As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer opportunity to deliver housing should be considered favourably.

- 7.2.4 On the basis of the above, it is considered that the principle of new residential development in this location is considered to be acceptable.

7.3 Landscape and Visual Impact

- 7.3.1 The proposal is located on a rising area of land at the south eastern end of Halton. The land rises behind the existing residential development and is highly visible from within and outside the settlement. Approximately 120m to the east of the site is the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policy DM28 of the DM DPD sets out that the Council will require proposals that are within, or would impact on the setting of, designated landscapes to be appropriate to their landscape type and characterisation.
- 7.3.2 The landscape setting comprises principally pasture farmland with occasional arable fields, the settlement, Halton Mills complex and mature hedgerow trees, and the woodland at the Mills fringes. To the east of the site, the rising land marks the fringes of the AONB, the designation boundary cutting through open fields. Two public footpaths run along the northern bank of the River Lune, one adjacent to the site boundary and the other along the water's edge. National Cycle Route 69 follows the disused railway line along the southern bank of the Lune at this point.
- 7.3.3 The applicant's Landscape and Visual Impact Appraisal sets out that the development proposal would result in the transformation of the site from farmland to residential development with associated highways and landscaping which is likely to result in a high magnitude of change leading to an adverse effect of moderate significance in the immediate context of the site. It goes on to say that when considered against the wider context of farmland in the locality and the contribution that the site makes to its setting the magnitude of change is likely to be low leading to an adverse effect of minor significance. The proposal seeks to retain the boundary hedgerows and tree cover to the south and reinforce these with new tree planting to strengthen the landscape setting of the village.

- 7.3.4 The appraisal sets out that the proposal has been masterplanned to respond to the landform of the site, securing a network of housing and highways that follow the contours of the site. While the scheme responds to the landform within the site there will be a requirement for small scale levels of engineering to accommodate the proposal, but this is not out of character to much of the wider settlement, located as it is on sloping ground and characterised by its meandering streets and layering of housing that rises out of the valley. It concludes that the development is likely to result in a medium magnitude of change to landform, leading to an adverse effect of moderate significance in both the short and longer term. It must also be pointed out that the scheme is in outline and the layout could change. However the indicative plan provided shows that there has been an attempt to restrict development on the highest point of the land.
- 7.3.5 The Landscape Strategy for Lancashire (LSL), published in 2000, identifies that the site is located within the Drumlin Field Landscape Character Type. This landscape is characterised by: rounded drumlins which create a distinctive, undulating topography, the alignment of the drumlins reflecting the direction of glacial ice flow; small mixed woodlands; sheltered marshy hollows between drumlins contrast with the smooth open hilltops and provide visual texture and wetland habitats; strong field patterns with distinctive stone walls and hedgerows; dispersed pattern of stone villages, hamlets and farmsteads sited in sheltered locations on the mid-slopes of drumlins; larger settlements clustered at significant road junctions or river crossings; and historic houses and designed parkland. The local Landscape Character Area (LCA) is 13c Docker-Kellet-Lancaster, drumlin field, has a distinctive north-east, south-west grain and runs from the edge of Lancaster northwards into Cumbria. The area is underlain by limestone and is distinguished by large scale undulating hills of pasture, some formed from glacial till and others which are outcrops of limestone, or reef knolls. Greater variety of texture is provided by the isolated areas of moorland which protrude from the field, for example at Docker Moor, and the River Lune which cuts a gorge through the hills at Halton. This gorge provides a major transport route through the hills with a number of parking, picnic and camping sites scattered along its length. In particular relation to this proposal, the strategy for this landscape character type sets out that built development should be sheltered within the undulating landform, avoiding ridgelines or hill tops, and built development should be restricted on the skyline of drumlins with buildings sited on the mid-slopes, above poorly drained land.
- 7.3.6 Several viewpoints have been submitted as part of the Assessment, the majority within the village but with a few from more distant views. The report concludes that development would not result in any significant harm to the landscape resource over time, has the potential to secure landscape benefits and is unlikely to result in significant adverse effect to the wider character of the Docker-Kellet-Lancaster landscape character area or the settlement. It goes on to say that the proposal would conserve the predominantly open and rural character of the wider countryside; it would retain and reinforce the hedgerows to the boundaries of the site; and it would incorporate new tree planting measures. It also sets out that there is unlikely to be any significant impacts on the AONB.
- 7.3.7 Both Natural England and the Forest of Bowland AONB Unit raised some concerns regarding the Assessment. In particular these related to the number of viewpoints taken from within the AONB, the lack of a Zone of Theoretical Visibility (ZTV) map for the site in order to inform likely viewpoints, and the lack of assessment or consideration in relation to the Landscape Character Assessment covering the AONB. They have set out that the development is in the setting of the AONB therefore it is likely that there will be some adverse impact to landscape character. Whilst the AONB Landscape Character Assessment (LCA) does not cover the site in question, the adjacent landscape character type Drumlin Field K1 Gressingham, is applicable for the site. The AONB LCA concludes this landscape type is considered to have limited capacity to accommodate change without compromising key characteristics. They have gone on to say that as a result of this limited capacity to accommodate change, it can be argued that the likely overall effects of the development on the local landscape are likely to be greater than 'Moderate Adverse' as currently presented within the Landscape Visual Impact Assessment (LVIA) for the development.
- 7.3.8 The agent has responded to these comments by saying that in terms of the production of a ZTV, the assessment was supported by field work that involved walking the routes of local highway and public rights of way to find the most appropriate representative views, and provide an accurate record of actual visibility. The scale of visibility for a residential scheme such as this is not the same as for a wind farm and therefore a ZTV was not considered necessary. In terms of the additional views, Green Lane is set deep in a cutting with visibility restricted to the confines of the highway and corridor views in a southerly direction as you travel towards the River Lune. The River Lune is also

set deep in a cutting in this location and has heavily wooded banks. They have set out that the LVIA was carried out in the summer with full leaf cover. They have advised that during the site visit they could not locate views from the riverside paths towards the site due to the intervening landform and vegetation cover. Due to the scale and location of the development, they do not consider that carrying this out over the winter months would materially change the findings of the appraisal.

7.3.9 In terms of the effect of development on local landscape character, they have set out that due to the localised setting of the landform the visibility of the site is very restricted, in particular in middle distance views to the south and east on land associated with the Drumlin Field landscape character type (within the AONB). The site is not located within the AONB, and shares an immediate relationship with the modern extensions of the existing settlement and to see settlement on sloping land in this located would not represent a discordant landscape element. Whilst it is acknowledged through the assessment that the development will result in an adverse effect, it is not likely to be an adverse effect of major importance to the setting of the Drumlin Field landscape character type within the AONB. In response to this, the AONB Unit has confirmed that they are comfortable with the findings of the LVIA.

7.3.10 Given the topography of the site, the site is relatively prominent both within and outside Halton, with views gained from the local highway network in addition to public rights of way. It is clear from the Assessment that the development will have a significant impact on the character and appearance of the site and parts of the development, in more elevated positions, will be particularly prominent. Although the indicative layout shows the dwellings kept off the highest point of the hill, this is unlikely to be clear from outside the site but will just keep the overall height down. The development will have the appearance of covering all of the drumlin, infringing on the skyline. However, it must also be acknowledged that existing development within Halton, not far from the site, that is constructed on sloping land. As such, this form of development is not completely out of character with the settlement and to some degree will be seen in the context of this. Although in close proximity to the AONB, taking into account the comments from the AONB Unit, it is not considered that it will have a significant impact on the designated landscape given its scale and that it is viewed against the existing development.

7.4 Access and highway Impacts

7.4.1 The application proposes an access off Low Road. This is proposed to be located towards the western edge of the site's frontage with Low Road. Visibility splays of 2.4m by 90m have been indicated on the submitted access drawing. This does cut across part of the grassed area to the south west of the access point. Clarification has been sought as to the ownership of this and whether it forms part of the highway verge. As part of the scheme, a new footway is proposed between the site's access and the existing junction of Low Road with Forgewood Drive. A crossing point and some additional signage has also been proposed on Low Road.

7.4.2 Many concerns have been raised regarding the increased traffic and the impact on highway safety. The Highways Authority has not raised an objection to the principle of the development. However, a number of issues have been highlighted which need to be addressed. Although Low Road will be the principal means of access, the Highways Officer has set out that links should be created from Forgewood Close and Forgewood Drive as a secondary point of access for pedestrians, cyclists and emergency vehicles, and as an alternative egress for private cars. In response to this, the applicant's transport consultant has set out that it is intended that pedestrian/cycle access will be created from Forgewood Close and Forgewood Drive, which is shown on the indicative site layout plan. However, it has been set out that, for any development of upto 70 residential units there is not a requirement to provide an emergency access. A comparison of expected trip generation was also requested to determine the level of impact on the surrounding public highway network, in addition to the inclusion of the requisite residential accessibility score details. The response from the applicant's consultant confirms that the Transport Assessment, which accompanied the application, does assess the traffic generations and existing traffic levels and provides a detailed assessment of the accessibility by non-car modes.

7.4.3 The Highways Officer has confirmed that there are no objections to the proposal. Low Road in the vicinity of the application site is a relatively straight stretch of carriageway with high actual speeds considering its 30mph speed classification. As a consequence, County Highways have requested off-site highway improvement works under Section 278 of the Highways Act to include the implementation of a range of carriageway improvement measures comprising:

- Improved carriageway thermoplastic lining at the sites junction with Low Road and extending through an existing gateway feature.
- Improved pedestrian refuge / gateway treatment measures - Such features would emphasise a change in character of the overall street scene acting as an aid to improved traffic management and safety of users of the same.
- Upgrade of public transport facilities to Lancashire County Council quality bus stop standards.
- Review of existing street lighting requirements along Low Road and particular in the vicinity of the sites point of access with the same.

7.5 Impact on Residential Amenity

7.5.1 This outline application reserves all matters except access. As such the scale, design and layout of the scheme would be considered through a subsequent Reserved Matters application if outline consent is granted. As such, at this stage, it needs to be determined whether 60 dwellings can be adequately accommodated on the site without having a detrimental impact on the amenities of the nearby residential properties. In order to assess this, an indicative layout has been submitted in addition to written details of how this could be achieved. There have been many concerns raised by residents with regards to the potential for overlooking and loss of light particularly given the topography of the site and the difference in levels between the site and most of the adjacent properties.

7.5.2 The submission sets out that bungalows will be located adjacent to the Forgewood Estate in order to reduce the impact on the existing development, and the layout will correspond to that of the existing dwellings in order to create views through to the development. These bungalows will have a minimum 15m long garden, and 5m deep landscaped buffer zones are proposed adjacent to the dwellings of the Forgewood Estate. Sections have been provided to show how this could be achieved. It is likely, taking this approach, that there would be at least 25m between the existing and proposed dwellings. Most of the neighbouring properties have their rear gardens adjoining the site boundary, although for some it is their side gardens. The proposed separation distance is beyond the distance required for facing windows and this should ensure that existing dwellings are not overshadowed by the development given the proposed type of housing. The gardens and boundary treatments would need to be carefully considered to ensure that there was not overlooking from the external areas, and could be overcome by creating gradual changes in levels across these.

7.5.3 Concerns have been raised by neighbouring residents regarding the proposed 5m buffer zone, including the ownership and management of this and overshadowing from the proposed landscaping. It is worth noting that this is a suggestion at this stage with regards to how the change in levels between the site and the existing dwellings could be managed to prevent amenity impacts. It has also been raised that the planted area conflicts with the drainage strategy as this area is proposed to be a flood relief channel. One option that has been set out is for this area to be designated to the existing dwellings. This obviously has its advantages as it would not remain an empty strip of land open to mis-use and would result in the existing properties having an increased buffer under their own ownership from the proposed development. In order for this to work it would need to be in their ownership and that is a separate matter that the applicant would have to pursue with them. However, if this area does form part of a landscaping or drainage strategy for the proposed development then it would be impossible and unreasonable to control if within the ownership of several different properties not part of the development.

7.5.4 Although the difference in levels between the existing dwellings and the proposed development would be need to be carefully considered as part of any subsequent reserved matters application, it is considered that there is sufficient space on the site to allow for an appropriate solution, as shown on the indicative layout plan. At this stage it would be difficult to resist the development on these grounds, as schemes are successfully implemented elsewhere where there are changes in land levels.

7.6 Ecological Impacts

7.6.1 The site is located approximately 4.6km to the south east of Morecambe Bay which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England has

advised that the Local Authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the scheme may have. The response goes on to set out that the proposal is not likely to have a significant effect on the interest features for which Morecambe Bay SPA/SAC/Ramsar site has been classified and advise that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed will not damage or destroy the interest features for which the SSSI has been notified and therefore advise that it does not represent a constraint in determining this application.

- 7.6.2 A preliminary ecological assessment has been submitted and County Ecology have been consulted. The site is located within approximately 20m of the River Lune Biological Heritage Site (BHS) and just over 200m from Lambclose Wood and Gutterflat Wood BHS. These are both non-statutory designated sites and are considered to be Local Sites for the purposes of the NPPF. Whilst the proposals do not affect either site directly, it will be important to ensure that impacts on such sites are avoided both during construction and operation. This could be addressed by way of a Construction Environment Management Plan secured by a planning condition. The County Ecologist has advised that the final site layout should be revised to include the creation of a wider vegetated buffer between the development and the River Lune Biological Heritage Site. Given the nature of habitats within the River Lune BHS, which includes adjacent habitats of woodlands and scrub, grasslands and marshland, it has been advised that the vegetated buffer should be ideally at least 10m in depth and could include locally appropriate native tree species (woodland planting) or perhaps species-rich grassland. The woodland/ woodland edge will also need to be protected from light pollution, in accordance with paragraph 125 of the NPPF, and for the avoidance of impacts on bats and their habitat. Use of artificial external lighting can be controlled by planning condition. Separation of gardens and developed areas from the BHS by a vegetated buffer zone would also help to protect the BHS from light pollution and other operational impacts.
- 7.6.3 Although the application area does not include habitat suitable to support roosting bats, bats are known to roost in the surrounding areas, including within the built development and woodland adjacent to the site. The ecology report concludes that bat species are unlikely to be negatively impacted because suitable habitat will be retained within the remaining undeveloped field surrounding the site. The County Ecologist has set out that if the development impacts upon the habitat of bats then it is not appropriate to consider adjacent undeveloped land as mitigation or compensation for the impact of development. In addition, the ecological assessment does not include the results of any activity surveys for bats to support the conclusion that bats would not be affected. In the absence of any survey information, the importance of the application area as a foraging or commuting route, for example between roosts to the north and the wooded river corridor to the south, is currently unknown and potential impacts cannot be assessed. It should be noted that Bat Conservation Trust good practice guidelines (as endorsed by Natural England) recommend activity surveys through the bat active season for sites between 1 and 15ha in size, even where bat habitat quality is assessed as low. Given this, bat activity surveys have been requested and the update from this will be reported at the Committee meeting. It is unlikely that this would result in no development being able to take place on the site, but commuting routes may need to be retained or created which has the possibility to reduce the number of units on the site. As such, potential impacts on bats should be fully understood prior to determination of the application. It would also be appropriate for bat roosting opportunities to be incorporated into the built fabric of development.
- 7.6.4 Although the presence of otters within the application area seems reasonably unlikely, this species is known to be present along the River Lune, and the applicant will therefore need to be aware of their legal duty in respect of this species. The County Ecologist has set out that increased recreational pressure along the River Lune and adjacent habitats has the potential to result in disturbance to this species, and it will therefore be appropriate for the applicant to demonstrate how recreational access (other than along public rights of way) will be prevented. The creation of a wider vegetated buffer zone between the River Lune BHS and the development would contribute towards reducing any potential disturbance to the BHS and associated species.
- 7.6.5 Habitats within and adjacent to the application area are suitable to support nesting birds. The ecological assessment provides a summary of biological records returned from the local records centre, but fails to mention any records of bird species. The County Ecologist has outlined that there breeding birds associated with woodlands, rivers, hedgerows and open farmland, including priority ground nesting birds such as lapwing, curlew, skylark and grey partridge. The ecological appraisal should have considered the likelihood of impacts on species returned by the records search, either

scoping these in or out of further consideration based on an assessment of habitat suitability and/ or survey. The report concludes that impacts are unlikely because similar habitat will be retained within the remaining field around the site. However, this is not an assessment of the potential effects of the development, and the fact that similar habitat may be present outside of the development area does not constitute mitigation or compensation for any impacts of the development. If the proposals would result in the loss of habitat for breeding birds, including Species of Principal Importance in England, or would impact upon breeding birds in the surrounding area, then the proposals will need to include adequate avoidance, mitigation or compensation to fully offset impacts, and thereby at least maintain biodiversity value, in accordance with the principles of the NPPF. The agent has been asked to address the concerns and an update of this will be provided at the Committee Meeting.

- 7.6.6 Habitats in and adjacent to the site are suitable to support badgers. According to the ecological appraisal, there was no evidence of badgers at the time of survey. However, badgers are mobile and could colonise the area, and begin excavating setts, in the future and prior to the commencement of development at this site. Given the likely lapse of time between any outline permission, full application and the commencement of development, the County Ecologist has advised that it will likely for updated surveys for badgers, and indeed all protected species potentially affected by the development, to be carried out in support of subsequent full/reserved matters applications.
- 7.6.7 Habitats of Principal Importance are present in and adjacent to the site, including broad-leaved woodland and hedgerows and it will be important to ensure that the development does not lead to further loss or deterioration of priority habitats. Whilst adjacent woodland is not affected directly, the proposals have the potential for indirect impacts during construction and operation. Provided the development can be accommodated without compromising the long-term survival of trees and woodland in this area, then construction phase impacts can be controlled by planning condition. Operational impacts could be partially offset through the creation of the landscaped buffer zone adjacent to the existing woodland. Hedgerows within the development site should be retained and enhanced for wildlife, to offset operational impacts including light pollution and disturbance/ predation, outside domestic curtilages. Any unavoidable losses of hedgerow should be adequately compensated through replacement planting.
- 7.6.8 Despite the local records centre holding numerous records of Species of Principal Importance in the wider area, the ecological appraisal report does not appear to consider potential impacts on Species of Principal Importance or their habitats. However, a number of priority species do, or could potentially, occur on the proposed development site including the protected species mentioned above (with the exception of badger), numerous bat species, a range of bird species, amphibians, and mammals such as hedgehog and brown hare. Species listed in Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) are present in the wider area, including Himalayan Balsam (and methods to stop their spread would need to be adopted by the developer). Whilst habitats within the application area might not be of intrinsically high biodiversity value, the loss of undeveloped land to housing will inevitably impact upon biodiversity. The NPPF directs planning decisions to address the integration of new development into the natural environment and encourage biodiversity incorporation. The County Ecologist is surprised that the ecological appraisal report does not include any recommendations for the maintenance or enhancement of biodiversity, only noting that vegetation clearance should be timed to avoid disturbing nesting birds. The County's response goes on to say that the Council might also like to consider that although 'Biodiversity Offsetting' has not been formally introduced by the Government, if the metric was applied to this site there would be a requirement to offset the loss of agricultural/arable land. Although the indicative layout does include undeveloped areas, these do not appear to have been designed with biodiversity in mind but appear to be proposed as public open space and landscape mitigation. It has been advised that it will at least be appropriate for the layout to be revised to include wider vegetated buffers: between the development and existing housing to the north, to maintain habitat and connectivity for wildlife including bats; along the western boundary for the same reason; and along the southern boundary of the proposed development to buffer the River Lune BHS from the effects of development.
- 7.6.9 The agent has been asked to address all the concerns raised by the County Ecologist. Results from surveys and information will be reported at the Committee meeting in addition to details of the proposed mitigation. Although the layout of the scheme has not been finalised, implications for biodiversity need to be fully assessed at this current, outline stage.

7.7 Impact on Trees and Hedgerows

- 7.7.1 The site is bounded by a number of hedgerows, boundary trees and woodland compartments. The majority of trees are in good overall condition with long periods of useful remaining life potential. There are trees present that are subject to a Tree Preservation Order which relates to a range of trees, designated as woodland, groups and individual trees. Many of the trees are growing in offsite locations, however, many remain implicated by the development proposals. The River Lune, is designated a Biological Heritage Site (BHS) and lies beyond the southern boundary of the site. Trees line much of the rivers banks, and make a positive contribution to the appearance and character of the landscape adjacent to the river.
- 7.7.2 The applicant's Arboriculture Implications Assessment identifies a total of 4 individual trees, 4 groups, 2 woodlands and 6 hedges. Species include sycamore, ash, hawthorn, oak, birch, elder, cypress, beech and holly. Two individual trees, an elder and birch, have been identified for removal because of their poor overall condition (regardless of the development proposals). It is proposed that part of a group, an individual tree and part of a hedgerow are removed in order to accommodate the development. All other trees are to be retained and protected. However, the Tree Protection Officer has highlighted that given that the site rises steeply from the north to southern aspect, there is likely to be a requirement to significantly alter existing ground levels. This may have a significant impact of retained on and offsite trees, either by direct disturbance in the root system or through significant changes in the existing ground conditions. It therefore must be demonstrated that trees can be adequately retained and protected in compliance to the standards set out within BS 5837 (2012).
- 7.7.3 In response to the concerns regarding impact on trees as a result of proposed changes in levels, the agent has stated that all the existing trees are located at or beyond the boundaries of the site where it would be highly undesirable if not impossible to change the levels. Group G1 forms the northern boundary of the site to Low Road and the proposed access road and dwellings are effectively at grade here given the site levels and well set back from the tree canopies. Area W2 is located outside the red line boundary and beyond the power lines so the trees here could not conceivably be prejudiced by the development. Groups G2, G3 and G4 are located on the northern boundary adjacent to the Forgeood Estate and the site levels here form the boundary with these properties. The proposed dwellings have intentionally been located a significant distance away from the boundary to prevent any overlooking issues and enable the gardens to follow the natural contours. Areas H4 and H3 are outside the application site and Area W1 is also largely outside of the red line with the south western corner forming the existing natural boundary at the rear of a significantly long back garden, where again the distances involved would mean the levels could easily be retained as existing.
- 7.7.4 As the application is in outline, the proposed levels of the site are unknown at this stage. However, it is considered that, on the basis of the submitted Tree Report and the agent's comments set out above, the development could be accommodated within the site without significant implications on trees and subject to appropriate planning conditions including details of site levels, a Tree Protection Plan and an Arboricultural Method Statement. Additional tree planting will also be required in order to improve the greening and potential screening between the private and public domain. There will be opportunities to do this in relation to boundary treatments, private amenity space and public open space. Landscaping would be considered at the reserved matters stage.

7.8 Drainage

- 7.8.1 A flood risk assessment and drainage strategy has been submitted as part of the application. This has been assessed by the Council's engineer who has advised that flood risk in the locality of the site should be reduced as a result of the development in comparison to the present risks on and off site. It has been recommended that the drainage is implemented in accordance with the flood risk assessment and Drainage Strategy before the construction of dwellings to ensure that flood risk through construction is effectively managed, and to ensure that the scheme is fully completed and effective before the occupation of any dwellings. However it is noted that the submission states that this is just preliminary and may change when the final scheme is designed. As such it would be reasonable to include a condition requiring a drainage strategy to be submitted. A maintenance plan would also be required for the proposed drainage network and soakaways for the lifetime of the development, which includes frequency and details of maintenance, funding mechanisms, management proposals, and allows for the replacement and repair of any of the associated infrastructure. On this basis it is considered that surface water drainage can be adequately dealt with

and will not increase the risk of flooding elsewhere. In addition, United Utilities have raised no concerns with regards to either foul or surface water drainage.

7.9 Affordable Housing

The submission sets out that 40% affordable housing will be provided on site. Although the scheme is in outline, this sets out that this would be 50% social rented and 50% intermediate housing. This is in accordance with DM DPD Policy DM41 and the Meeting Housing Needs DPD. This is proposed to be secured by a Section 106 agreement, with the precise size, tenure and location of the units determined at the reserved matters stage.

7.10 Open Space Provision

7.10.1 The scheme proposes open space provision on the site, the precise details will be determined at the Reserved Matters stage but the details shown on the indicative layout are considered to be acceptable. This will be maintained in perpetuity and be covered by the S106 agreement. The Public Realm Officer has advised that a contribution may be required towards sports facilities within Halton. An update in relation to this will be provided at the meeting.

7.11 Education Provision

7.11.1 Many concerns have been raised regarding the capacity of the local primary school. The County Council have set out that latest projections for the local primary schools show there to be a shortfall of 74 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration and housing developments which already have planning permission. They have assessed the proposal and set out that the expected yield from this development would be 16 places and the shortfall would therefore increase to 90. Therefore, a contribution is sought in respect of the full pupil yield of this development. The latest projections for the local secondary schools show there to be 431 places available in 5 years' time. With an expected pupil yield of 6 pupils from this development, the County Council have set out that they would not be seeking a contribution in respect of secondary places.

7.11.2 The applicant has agreed to pay a contribution towards primary school places which has now been calculated at £96,237 based on the information provided in relation to the number and size of units. This may need to be amended at the reserved matters stage if this changes.

7.12 Minerals Safeguarding

7.12.1 The majority of the site is located within a mineral safeguarding area for sandstone and sand and gravel. The County Council, who are the mineral authority, have set out that development will not be supported that is incompatible with mineral safeguarding as set out in Policy M2 of the Joint Lancashire Minerals and Waste Local Plan. They have requested that a mineral resource assessment is submitted, describing the quality and quantity of any minerals that are present in the application area, whether they could be recovered and the practicability of extraction including proposed working methods and the environmental impacts of mineral extraction, and the effect of the proposed development on any mineral deposits adjacent to it.

7.12.2 The NPPF sets out that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. All the land surrounding the built up area of Halton is identified for mineral safeguarding. The site is on the edge of this and lies adjacent to existing residential development. As such it is unlikely that the development would impact on the likelihood of minerals being extracted in this location.

7.12.3 Policy M2 of the Minerals and Waste Local Plan sets out that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible

development taking place.

- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

7.12.4 Having had full regard to the requirements of this policy, it is considered that given the lack of housing land supply, as discussed above, there is an overriding need for the development which outweighs the need to avoid sterilisation of the mineral resource. In any case it is not considered that pursuing extraction of the minerals as part of the development would be appropriate in this location given the proximity to residential properties.

7.13 Other matters

7.13.1 The application is seeking outline planning permission only with the exception of the access. Matters such as scale, layout, appearance and landscaping are not being applied for. Such issues will be legitimately assessed at the Reserved Matters application should members be minded to grant outline planning permission.

8.0 Planning Obligations

8.1 A Section 106 Legal Agreement is sought to secure the following:

- Up to 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and viability);
- Open space provision and ongoing maintenance arrangements;
- Possible contribution towards open space to be clarified with public realm officer
- Education contribution
- Possible contribution towards highway measures that cannot be agreed through a Section 278 agreement with the Highways Authority.

9.0 Conclusions

9.1 The site is located in a sustainable location, adjacent to existing development, and will provide an important contribution towards housing supply within the District. It is considered that the development could be accommodated on the site without a significant impact on the character and appearance of the AONB and will be served by an appropriate means of access. However, it is likely that the development will have a significant local impact on the character and appearance of the landscape given the topography and prominent position of the site.

9.2 The Council does not have a five year land supply of housing and as such the application should be considered in the context of the presumption in favour of sustainable development. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted. Taking all matters into consideration, it is not considered that any adverse impacts of granting consent significantly and demonstrably outweigh the benefits and there are no specific policies in the NPPF that indicate development should be restricted. As such, it is considered that the proposal represents a sustainable form of development and accords with the NPPF. This is subject to the adequate resolution of the ecological issues highlighted above.

Recommendation

That - subject to the receipt of satisfactory information relating to ecological matters (*and if that information is not forthcoming, Officers seek authorisation for delegation back to the Chief Officer to resolve this matter – with powers to refuse also under delegation if satisfactory detail is not forthcoming*) - Outline Planning Permission **BE GRANTED** subject to the signing/completing of a s106 agreement to cover the following planning obligations:

- 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved

Matters stage based on local housing needs and viability)

- Open space provision and ongoing maintenance arrangements
- Education Contribution

and subject to the following planning conditions:

1. Standard outline condition with all matters reserved except access
2. Drawings illustrative only
3. Access details
4. Off-site highway works
5. Scheme for the disposal of foul and surface water
6. Maintenance plan for the proposed drainage network and soakaways for the lifetime of the development.
7. Submission of an external lighting scheme, designed to minimise impact on bats.
8. Scheme for compensation of habitat loss
9. Ecology mitigation measures (including need for updated species and habitat surveys on any subsequent full or reserved matters applications)
10. Arboricultural Method Statement
11. Submission of a tree protection plan
12. Finished floor and site levels
13. Construction Environmental Management Scheme – also including wheel cleaning, dust control, hours of construction
14. Contaminated land condition (suitably worded) as per Preliminary Risk assessment
15. Standard condition - Importation of soil, materials and hardcore

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:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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 5th June 2015</p>	<p>Application Number 14/00713/VLA</p>
<p>Application Site</p> <p>Halton Mill Mill Lane Halton Lancashire</p>		<p>Proposal</p> <p>Variation of legal agreement on 00/00920/OUT and subsequent renewal consent 05/01432/OUT to vary the terms of the Fourth Schedule concerning affordable housing in relation to the applicants land only, remove the requirements to obtain covenants from future land owners to restrict vehicular use over Mill Lane between points A and B (as set out in the Third Schedule), to vary the terms relating to public open space and maintenance and discharge the obligations relating to the provision of the industrial buildings.</p>
<p>Name of Applicant</p> <p>Halton Mills Ltd</p>		<p>Name of Agent</p> <p>Mr David Hall</p>
<p>Decision Target Date</p> <p>2 October 2014</p>		<p>Reason For Delay</p> <p>Awaiting information from the applicant and subsequent negotiations in respect of the proposed contribution.</p>
<p>Case Officer</p>		<p>Mrs Jennifer Rehman</p>
<p>Departure</p>		<p>Departs from planning policy in respect of the affordable housing.</p>
<p>Summary of Recommendation</p>		<p>Approval (subject to a revised affordable housing figure being agreed and the exact wording/legal mechanisms to deliver the proposed changes to the existing obligation also being agreed, drafted and signed). Recommendation seeks delegation back to Officers.</p>

1.0 The Site and its Surroundings

1.1 This site forms part of the wider Halton Mills complex located between Low Road and the River Lune on the southern edge of the main built up part of Halton village. The site is accessed off Low Road onto Forge Lane (or Mill Lane via Station Road). Halton Mills previously occupied a cotton factory and flour mill (dated 1844-5) and has for a number of years (before the proposals for comprehensive redevelopment) been used predominately for industrial purposes. The site redevelopment commenced in 2005-6 but soon fell into commercial difficulty leaving the site in a state of flux for some considerable time. More recently we have seen development commence again and new residential proposals approved which are currently being implemented. The site now consists of housing sites (under construction and occupied), an area of public open space including an equipped play area, two modern industrial/business units, a long established business (Out of the Woods) and the Co-Housing development. There are only two remaining parcels of land undeveloped. These comprise of land to the west of the Mill complex (former fisheries building) and land to the west of the industrial units, though an application for its redevelopment has now been submitted.

- 1.2 The Development Plan for the district identifies Halton as a rural settlement and Halton Mills specifically as an allocated employment site. The site is also located partly within the village conservation area, straddles all flood zones (1, 2 and 3), sits alongside the River Lune Biological Heritage State, contains protected trees and has two public rights of way running through the site (running west to east).
- 1.3 Land currently controlled by the applicant relates to the central core of the Halton mills complex which is enclosed by the internal loop road system of Forge Lane and Mill Lane.

2.0 The Proposal

- 2.1 The applicant has made an application under Section 106A of the Town and Country Planning Act to discharge and modify the legal agreement that relates to the sites comprehensive redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping pursuant to outline planning permission 00/00920/OUT and the subsequent renewal permission.
- 2.2 The planning permission for the redevelopment of Halton Mills was subject to a legal agreement covering the following:
- No occupation of any dwelling until the building to replace Elro Products (Lancaster) Limited has been erected and available for use;
 - To obtain a covenant from any future owner of any of the land not to use that section of Mill Lane between points A and B (narrow section of Mill Lane) to access and egress the land;
 - To provide at least 17.5% of the total dwellings on the land as Affordable Housing to be disposed to an Approved Person at no more than 80% of the open market value of the dwelling;
 - Provision of public open space and maintained either in accordance with a scheme approved by the Council to provide for future management and maintenance if retained by the Owners or after a period of 12 months to transfer the public open space to the Council with a maintenance contribution; and,
 - Provision of industrial buildings within 18 months of development commencing on site.
- 2.3 The applicant acquired part of the wider Halton Mills site in 2012 and has since implemented the extant consent for residential development within the central core of the complex. The developer has explored providing the affordable housing based on the terms of the existing agreement but has not been successful. A discount of only 80% of the open market value does not produce genuinely affordable properties and as a consequence the applicant now seeks to modify the agreement. The applicant has had pre-application discussions including with the Strategic Housing Officer principally concerning the affordable housing obligations and the shortcomings of the existing agreement.

The application seeks to modify the existing agreement as follows:

- Provide an off-site contribution in lieu of on-site affordable housing in relation to the applicants land only;
- Discharge the obligations in relation to the industrial buildings;
- Remove the obligation in relation to obtaining a covenant from any future owner of any land not to use a section of Mill Lane to access and egress the site, in relation to their land only, and;
- Remove the obligation in relation to public open space as it is outside the applicant's land ownership.

In addition to the above, the applicant recognises that one of the main constraints remaining on the complex relates to the current condition and road status of Forge Lane and Mill Lane – neither are adopted at this stage, though Forge Lane is built to adoptable standards. The applicant is prepared to (and is already in discussions with the land owner of Mill Lane) to acquire this land and bring it up to adoptable standards with the appropriate legal agreements with the County Council (Section 38 Highway Act). In this regard the proposal seeks to impose an additional obligation and off-set such cost against the off-site affordable housing contribution. This principle of adopting this approach was discussed informally at the Planning Committee Briefing on the 12th September 2014. The purpose of the briefing was to discuss options to secure improvements to the roads and their status and to seek direction from Members that the proposed approach was reasonable in principle - in order to allow such negotiations to continue. Members at the Briefing were generally supportive of the

proposed option.

3.0 Site History

3.1 Halton Mills has a large and complex planning history, compounded by the commercial difficulties experienced on site and the land being subdivided with numerous land owners. Halton Mills was envisaged to have been comprehensively redeveloped under two separate outline permissions; one covering the western part of the site (which covers the sites now in question) and the other covering the eastern part of the site. In order to keep matters as straight forward as possible, the most relevant planning history is reported in the table below:

Application Number	Proposal	Decision
00/00920/OUT	Outline application for proposed redevelopment including demolition of existing Mill, erection of houses, industrial units, construction of new access and provision of associated open space and landscaping.	Approved
05/00562/REM	Erection of two new B1/B2 commercial units	Approved
05/01305/FUL	Amendments to elevations to housing scheme approved as 04/01301/REM	Approved
05/01432/OUT	Renewal of application 00/00920/OUT for proposed redevelopment including demolition of existing mill, erect houses, industrial units, construct new access and provision of associated open space and landscaping	Approved
04/01301/REM	Reserved Matters application for the erection of 47 houses and 27 apartments, associated access road and play area	Approved
14/01350/FUL	Erection of 20 residential dwellings with associated access road.	Pending Consideration
15/00510/OUT	Outline application for the erection of a nursing home and associated access	Pending Consideration

4.0 Consultation Responses

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

Consultee	Response
Legal	No objections
Environmental Health	No objections
Strategic Housing	Due to the specific circumstances presented, no objections to the proposal for an off-site contribution in lieu of on-site provision.
Conservation	At the time of compiling this report no comments have been received.
County Highways	LCC Highways have confirmed that the applicant's highway costs to bring Mill Lane up to adoptable standards are reasonable.

5.0 Neighbour Representations

5.1 At the time of compiling this report, a total of 6 letters of representation have been received with only 2 raising formal objections. A summary of the comments are noted below:

- General support – the current unadopted roads are a problem to residents and busiessses at Halton Mills, and no alternative solution is likely;
- Some concerns expressed in relation to the removal of the covenants preventing use of the narrow section of Mill Lane and maintenance of the public open space when this is land outside the control of the applicant;
- Given poor sightlines and conflicts between vehicles, pedestrians and cyclist along the narrow section of Mill Lane to the junction with Station Road, it would be sensible to retain

the opportunity to close this road if the legal rights of way associated with existing businesses on site were ever relinquished;

- Suggestions have been put forward that the Council should purchase the POS from the current land owner and maintain this as envisaged under the original planning application.
- Mixed use development on the site has been fulfilled by Wenning House (multiple office space), Riverside House (B1 unit) and conversion of the Mill on the Co-housing site to mixed office/workshops.
- The Parish Council discussed the application and supported the proposal but found that other developers should be making similarly proportionate contributions towards the road adoptions. The Parish Council requested the City Council purchase the open space and if the off-site affordable housing contribution is not ring-fenced the contribution be allocated to the Parish for community projects.
- Objections on the grounds that there should be no obstruction and closing off of any part of Mill Lane as existing businesses rely on this route and have legal rights of way over it.

6.0 Principal National and Development Plan Policies

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

Paragraph 12 – Development Plan as starting point for decision making

Paragraph 17 – 12 core land-use planning principles

Paragraph 49 – Delivering housing and creating sustainable communities (affordable housing)

Paragraph 73-74 – Open Space and well-being of communities

Paragraphs 187-190 – Decision-taking and pre-application engagement

Paragraphs 204-205 – Planning Obligations

Paragraphs 215-216 - Policy weighting of existing and emerging development plan planning policy.

6.2 Lancaster District Core Strategy

MR 1 – Planning Obligations

SC1 – Sustainable Development

SC4 – Meeting the District's Housing Need

6.3 Development Management DPD

DM26 – Open spaces

DM41 – New Residential Development

6.4 Saved Lancaster District Local Plan

EC4 – Rural Employment Site - Halton Mills

EC7 – Halton Mills Employment Opportunity Site

6.5 Emerging Land Allocations DPD

Policy OPP4 – Halton Mills

6.6 Planning Guidance

Meeting Housing Needs SPD

National Planning Practice Guidance

7.0 Comment and Analysis

7.1 The primary consideration of this application is whether or not the existing obligation no longer serves a useful planning purpose. To determine this, consideration is paid to the nature of the approved development and the implication of the applicant's proposal on each of the obligations set out in the original Agreement.

7.2 S106A of the Town and County Planning Act 1990 states:-

(1) A planning obligation may not be modified or discharged except –

- a. By agreement between the appropriate authority and the person or persons against whom the obligation is enforceable; or
- b. In accordance with this section and section 106B.

7.3 There is no agreement (or so that the LPA are aware) between the applicant and others whom the obligation is also enforceable against therefore the application is not being pursued under section 106A (1a). It is, however, pursued under S106A (1b). The applicant has served the appropriate notices on others whom the obligation is enforceable against.

7.4 Sub-paragraph 3 of S106A, states that a person whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the appropriate authority for the obligation-

- (a) to have the effect subject to such modifications as may be specified in the application or
- (b) to be discharged.

7.5 Sub-paragraph 6 of S106A, states that where an application is made to modify the Agreement, the authority may determine:-

- a. That the planning obligation shall continue to have effect without modification;
- b. If the obligation no longer serves a useful purpose, that it shall be discharged; or
- c. If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

7.6 The applicant has sought to discharge some of the obligations set out in the original agreement and to modify others. The original outline planning application was considered against policies EC4 and EC7 of the Lancaster District Local Plan. This required that the development of the Halton Mills site be for a mixed commercial and residential use within the existing developed footprint of the site and that the development should be comprehensive. Policy EC7 allows for limited extensions to the built area to provide for improvements to the access and the retention or expansion of an existing employer at the site. The policy also requires that any development incorporates provision for improvements to the site access, the removal of dereliction and contamination and that employment should remain as the dominant use of the site as a whole. This original outline application did not include the all of the land covered by the policy allocation (all of Halton Mills). The eastern part of the site comprising the former Luneside Engineering buildings/land did not form part of the outline permission relevant to this case. In essence the allocated site was sub-divided into two sections with outline consents sought separately for the east and western parts of the site. Subsequently, comprehensive development of the whole site was not pursued but at the time of the local planning authority's consideration of the outline application for the western part of the site (relevant to this case), it was contended that the lack of comprehensive development could not be substantiated as the proposals did not prejudice the redevelopment of the eastern part of the site.

7.7 The outline consent sought a mixed use residential and commercial scheme with the formation of a new access onto Low Road. To secure an appropriate mix of uses, a planning obligation was considered necessary to make the development acceptable in planning terms. These obligations are set out above in section 2.0. The substantive test for the local planning authority to consider is whether the obligation no longer serves a useful purpose or that, if it does, that purpose could be equally served by a modified obligation.

7.8 For clarity and greater understanding, the following section of this report covers each of the terms set out in the Agreement and the implications of the applicant's proposal.

7.9 **THE OBLIGATIONS:**

THE THIRD SCHEDULE

- 1) *Not to allow occupation of any dwelling erected on the Land until the building notated 1 notated on the submitted plan or as subsequently, approved as reserved matters as replacement accommodation for Elro Products (Lancaster) Limited has been erected and is available for use.*
- 2) *To obtain a covenant from any future owner of any of the Land not to use that Section of Mill Lane between points A and B on the Plan attached to this Deed for the purposes of vehicular access to egress from the Land.*

- 7.10 The industrial unit required under this schedule was provided and occupied by Elro Products albeit in a revised location agreed under the reserved matters application. This building is no longer occupied by Elro Products but remains in employment use. This obligation no longer serves a useful purposes in that the obligation has been met and can therefore be discharged.
- 7.11 The applicant contends that section 2 of this schedule is unenforceable and should therefore be removed. The outline application sought a new access off Low Lane due to the limited visibility at the junction of Mill Lane and Station Road. This access has been implemented and provides the principal vehicular access point for traffic accessing and egressing the wider Halton Mills complex. Access along Mill Lane towards Station Road is not physically prohibited (i.e. with barriers) due to legal rights of access along Mill Lane towards Station Road for some existing businesses on the complex. Contrary to some of the public representations, the applicant does not seek to impose additional restrictions in relation to the use of the narrow section of Mill Lane (marked A-B on the Plan attached to the obligation) or prevent these legal rights of access to continue. The applicant appears to simply question the enforceability of such an obligation and thus whether the obligation still serves a useful planning purpose. It is apparent that access/egress from the site to Station Road is not ideal and that in the majority of cases visitors, residents, workers of Halton Mills will use the access direct onto Low Road. Access across Mill Lane will in the majority of cases will be traffic wishing to use Halton Bride and Denny Beck Lane. The outline permission considered that any increase in traffic towards Halton Bridge would be relatively small in relation to that already generated by the existing village. The scale of development controlled by this obligation is now less than what was originally envisaged (as new development on site has been pursued under separate planning applications) and so the need for the covenant is perhaps questionable. Officers are in negotiations with our legal services regarding the enforceability of this obligation. A verbal update will be provided.
- 7.12 **FOURTH SCHEDULE**
- 1) *To provide at least 17.5% of the total dwellings erected on the Land as Affordable Housing and to transfer the Affordable Housing to an Approved Person*
 - 2) *To provide Public Open Space within the Development on the Land*
 - 3) *To layout and landscape the Public Open Space in phases in accordance with a scheme to be submitted and approved in writing by the Council and such scheme to provide for the future management and maintenance if the Public Open Space is to be retained by the Owners*
 - 4) *To provide Informal Open Space in accordance with a scheme to be submitted and approved in writing by the Council*
 - 5) *Upon completion of each phase of landscaping of the Public Open Space and Informal Open Space the Owner shall maintain for a period of 12 months and at the end of 12 months transfer to the Council.*
 - 6) *Upon transfer the Public Open Space and Informal Open Space pay the Council a maintenance contribution (equivalent to ten years).*
 - 7) *Provision and phasing of the delivery of industrial buildings notated on the submitted plan attached to the Obligation*
- 7.13 The applicant is implementing the extant approval for 47 houses and 27 apartments. Of these a total of 13 units would need to be provided as affordable units based on the terms of the existing obligation. The affordable housing requirements set out in the existing obligation are not such that the Council would support today – policy has evolved since then and discounted dwellings are not a tenure the Council supports. In this particular situation, given the location of the site (rural settlement) and current marketing prices of the units, a 20% discount of the market price does not produce genuinely affordable dwellings. Council policy seeks developers to enter into partnership with Registered Providers to provide and manage a mix of rented and intermediate properties – preference being social rented and shared ownership tenures. The applicant has tried to engage with Registered Providers operating in the area but has regrettably failed to secure any commitment from a Registered Provider. Concerns informally expressed to the applicant were the lack of detail in the Agreement about the type of affordable units to be delivered if transferred to the Register Provider; concerns over taking some flatted accommodation in a larger block (service charges and management issues) and the fact that if discounted by only 20% the properties would not be genuinely affordable. Following discussions with Council Officers, it was accepted that an off-site financial contribution towards affordable housing in the district would in this particular set of circumstances be an appropriate solution. This remains the opinion of the Council's Strategic Housing Officer. Subsequently, the principle of a commuted sum in lieu of on-site affordable

housing provision is considered acceptable provided that the contribution is equivalent to the number/cost of delivering the on-site provision. Whilst this is not wholly compliant with policy DM41 of the DM DPD or the Meeting Housing Needs SPD, Officers are satisfied that in this case sufficient evidence has been provided to demonstrate that delivering the on-site affordable housing provision as required by the existing terms of the Agreement is not likely to be forthcoming and that securing a contribution towards affordable housing would be a reasonable.

- 7.14 The applicant has offered a contribution to the sum of £307,000. There are some concerns over the robustness of the information provided and the methodology used to calculate the contribution and so Officers are currently negotiating a revised figure. It is slightly difficult as the Council does not have an adopted methodology for calculating contributions for schemes above the thresholds set out in the SPD (more than 4 dwellings). However, the methodology provided in the SPD is a good and reasonable starting point. If this methodology was applied to the development being carried out a figure of £585,606 would be required. That said, this figure is not representative of the terms of the existing obligation and so if some adjustments are made, officers contend an appropriate contribution should be somewhere above £344,200 and below £450,000. Officers are waiting for the applicant to submit a revised offer in order to satisfy officers that an appropriate contribution suitably equivalent to the provision of on-site affordable housing required by the terms of the existing Agreement. Members shall be verbally updated on this matter. Notwithstanding the precise figure the principle of varying the original terms of this schedule in relation to the applicant land are accepted.
- 7.15 The Public Open Space at the time of receiving the application did not fall within land controlled by the applicant and as such the existing terms (2-6 noted above) of the Agreement were considered necessary to remain in force, though it is acknowledged that the Public Open Space has been provided on the site and voluntarily maintained by the applicant. However, during the consideration of the application the applicant has been in discussions with the Bank of Ireland who own Mill Lane and the public open space (land between the two Barratt Home sites). These discussions have been essential to facilitate options in relation to highway adoptions (see below paragraph 7.18). The applicant has now confirmed to officers that they will be acquiring all the land from the Bank of Ireland including the public open space. Subsequently, as they will be owners of the land where the public open space has been provided, they would be obligated by the terms of the existing Agreement. Subsequently, the applicant has confirmed that they prepared to modify the legal agreement to secure the public open space in perpetuity and for it to be managed and maintained by a management company rather than the existing terms remaining which would place an obligation on the Council to take on the POS if the developer transferred the land and offered a maintenance contribution. Members will be aware that the Council does not wish to take on new POS and so the varied obligation is a betterment from the existing terms and is something that can be accepted.
- 7.16 Sub-paragraph 7 of the Fourth Schedule (provision of industrial buildings) has been complied with and as such could be satisfactorily discharged in accordance with s106A of the Act.
- 7.17 **ADDITIONAL OBLIGATIONS**
Following many years of the site laying vacant and development stalling, more recently the redevelopment of the complex has gathered momentum. The applicants have contributed towards this along with Lancaster Co-housing and Barratt Homes. However, there remain some areas undeveloped or in a state of flux as a consequence predominately of the commercial difficulties experienced on site and land ownership. One of the main stumbling blocks now appears to relate to the status of the internal road network with both Forge Lane and Mill Lane remaining in private hands. Forge Lane has been constructed to adoptable standards but remains unadopted and is owned by one of the existing businesses on site. Mill Lane on the other hand is in a poor condition and not yet completed to an adoptable standard. Officers understand this road remains in the hands of the administrative receivers, but in any case not the applicant. However, the applicant has committed to purchase the land (Mill Lane) from the existing owner and bring the roads to adoptable standard provided the cost for doing so is deducted from the affordable housing contribution. This is not an approach the Council would usually seek to encourage, particularly in the absence of a full viability appraisal and under an application to vary the legal agreement. However, in light of the scale of the redevelopment of Halton Mills it is contended that there is significant public benefit in securing formal adoption of the roads by Lancashire County Council.
- 7.19 Officers have been in discussions with Lancashire County Council for some time about the

mechanism to deliver formal adoption of the roads on site. In fact, there was discussion over this very issue when the Council considered and determined the Barratts development on the Halton Mills complex (14/00200/FUL). At this time it was considered sensible and reasonable to expect all the land owners to make fair, proportionate and reasonable contributions to resolve this issue separate from the planning system. At this time, one potential route was thought to be via a Private Street Works Code under the Highway Act. However, this would require all the land owners being supportive of the Private Street Works Code and making fair contributions. Given the multiple ownerships on the site it was accepted that this would not be resolved quickly. Following the determination of the Barratt's scheme, Officers continued to engage with the County Council to establish the best and most practical ways forward to resolve the current status of the internal road network. Upon receipt of this application, officers sought advice from the Highway Authority about the potential options available to resolve the current status of roads on Halton Mills. This advice provided 3 main options. The first being a Private Street Works Code (section 205 to 218 of the Highways act 1980). This approach would need agreement of all affected landowners to dedicate the land as highway. It transpired that the owners of Mill Lane (thought to be the Duchy at the time) would not be able to consent to the Private Street Works Code as a consequence of the way the Duchy had acquired land limiting their freedom to use the land for any purpose other than selling it on to a new owner. Subsequently, taking this approach would inevitably be a lengthy process and one with an uncertain outcome. The second option would be for one of the existing developers to purchase the affected land (Mill Lane) and make up the road under a Section 38 Agreement (under the Highway Act), which is a standard approach. In principle the Highway Authority recommended this approach as giving best certainty to adopt the highways. However, this was on a without prejudice basis to the principle of allowing the developer to offset such costs against other obligations. The final option was for the roads to remain in private ownership. This was not considered an approach that would favour local support. Equally, due to the fact that the site is now in multiple ownership and is not a comprehensive scheme it would be difficult for a single management company to take the maintenance and management of the road network.

7.20 In light of this advice, the proposal put forward by the applicant does offer a potential solution to the situation, albeit one that is not strictly policy compliant. Subsequently, a briefing note was prepared and discussed at a briefing for planning committee where officers sought direction from the Members present whether or not to continue negotiations along the lines set out above (the applicant's proposal). It was considered that the proposal offered a potential solution to one of the remaining stumbling blocks on site and found that there was public interest and community benefit in advancing the applicants proposal.

7.21 In terms of the highway costs submitted by the applicant (to the sum of £143,439) to complete the works required for road adoption (this does not include the cost to purchase the land) the Highway Authority has confirmed the costs are reasonable. If Members support the applicant's proposals to off-set these highway costs against the affordable housing contribution, this would be the figure used in any such calculation. Notwithstanding this, any additional costs arising from the s38 Agreement would have to be borne by the developer as these costs are an estimate for the purposes of agreeing the affordable housing contribution. Similarly, such costs do not account for the applicant purchasing the land or granting any necessary easements. It would be essential to ensure in any s106 that in accepting that these costs be off-set against their affordable housing contribution, that the developer is legally obligated to enter into and complete a s38 Agreement with the County Council for Mill Lane. Any new obligation inserted into the Deed (or in the event this option is not legally feasible a unilateral undertaking offered by the applicant) it is contended that such an obligation would not place an additional burden on others whom the obligation is enforceable against.

8.0 Planning Obligations

8.1 The above section of the report sets out the applicant's proposed modifications to the existing agreement. The following are accepted:

- Modifying the existing agreement with an off-site contribution in lieu of on-site provision. The final figure is yet to be agreed.
- POS obligations to be modified to secure the provision of POS and equipped play area to be managed and maintained by the owner or appointed management company once the applicant obtains ownership of this land.

- Discharging the obligations relating to the provision of the industrial buildings.

The planning balance is whether it is appropriate for the developer to off-set their affordable housing contribution with costs to bring Mill Lane up to adoptable standards. If it is agreed, this can only be achieved once the applicant owns the land. One option could be for the applicant to enter into a Section 111 Agreement which is effectively an agreement to enter into a Section 106 as soon as the land is purchased and owned by the applicant (the same issue applies to the POS).

Officers are still assessing the legal enforceability of the obligation relating to the restrictive use of Mill Lane between points A and B on the plan attached to the existing obligation. A verbal update will be provided.

9.0 Conclusions

- 9.1 There are exceptional circumstances here that have led officers to accept this approach put forward. Such circumstances relate to the commercial difficulties the site has faced over the past fifteen years, multiple owners on site limiting the ability to secure road adoptions via a Private Street Works Code and the fact that there is public support to bring the roads up to an adoptable standard. The Highways Authority have also considered various other options to secure the roads are adopted and recommend to the local planning authority that this is one option with the most certainty. If Members felt it was not appropriate to off-set the highway works against the affordable housing contribution, officers will need to agree to a revised affordable housing contribution with the applicant (not offsetting the highway costs) and could then grant a Deed of Variation as set out in the proposal section of this report but without the inclusion of any reference to road adoptions. This would be perfectly reasonable. The only potential implication would be that the developer may not purchase Mill Lane or the POS and that the roads and POS could remain in private hands and not be maintained. For the community of Halton Mills this would be very disappointing but in planning terms not necessarily unacceptable. Should Members support the approach put forward, the application would need to be delegated back to the Chief Officer for the legal agreement(s) to be drafted and signed by the applicant (either a s111 or a s106).

Recommendation

In accordance with S106 (A) of the Town and County Planning Act, Officers recommend that the proposed application to modify and discharge the terms of the original agreement in relation to the applicant's land only can **BE GRANTED** subject to resolving the outstanding matters.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

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

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure developments that improve the economic, social and environmental conditions of the area.

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

Human Rights Act

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

Background Papers

None

Agenda Item A8	Committee Date 5 June 2015	Application Number 14/01030/FUL
Application Site Agricultural Building Adj Disused Railway Station Road Hornby Lancashire	Proposal Erection of 9 dwellings and associated access	
Name of Applicant Mr Ian Beardsworth	Name of Agent Harrison Pitt Architects	
Decision Target Date 20 November 2014	Reason For Delay Negotiation of affordable housing	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Approval – subject to legal agreement details	

(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 the scheme proposes between 6 and 10 units. As such, the applicant requested that the affordable housing takes the form of off-site provision in the form of a financial contribution. Following this, a financial appraisal has been submitted as the applicant has set out that there are extraordinary costs that would make that contribution unviable. 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	No comments received

5.0 Neighbour Representations

5.1 11 pieces of correspondence (from 9 different residences) 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
 SC3 – Rural Communities
 SC4 – Meeting the District's Housing Requirements
 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

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 initially 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.

7.8.2 A Financial Viability Report has now been submitted which sets out that it will not be financially viable to provide a contribution towards affordable housing. This is due to a contribution of £10,000 towards improvements to the village playground in addition to costs associated with the demolition of the building, some contamination remediation, the realignment of a public sewer and the installation of a pumping station on the foul sewer due to the ground levels. Some further information has been requested in relation to the costs. An update on discussions will be reported at the meeting. However, it is unlikely that a contribution will be provided.

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 improvements to off-site open space (if the further information on affordable housing does prove that the affordable housing contribution is not viable).

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 or 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 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 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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 5 June 2015	Application Number 15/00199/FUL
Application Site Land At Walkers Industrial Estate Middleton Road Middleton Lancashire	Proposal Erection of a freight depot (B8/B2) comprising a new detached building with offices, vehicle workshop and warehouse with external hardstanding area	
Name of Applicant Mr Vincent Waddell	Name of Agent Mr Ross Erwin	
Decision Target Date Extension of time agreed until 12 June 2015	Reason For Delay Awaiting further information	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The application relates to a vacant piece of land within an industrial estate on the south western side of Middleton Road, approximately 0.8km to the south of Heysham and 1km to the northwest of Middleton. The site was developed as part of a larger petroleum refinery which was eventually cleared in 1989. It has remained undeveloped since but has most recently been used as a licensed waste management facility dealing with the crushing and recycling of construction and demolition waste. Some spoil heaps of such material are still present on the site. Access into the site is from a road within the industrial estate which has access onto Middleton Road.
- 1.2 Immediately to the north, east and west are existing employment uses. To the south is an area of vacant land, part of which has recently gained consent for a gas powered power station. The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately west. Also bordering some of the southern boundary is the Middleton Former Refinery Biological Heritage Site. There are no residential properties immediately adjacent to the application site, but there are properties in close proximity to the industrial estate. Approximately 140 metres to the north is a residential park home site, Broadgate Park. This lies opposite the entrance into the industrial estate from Middleton Road. There is also a small group of residential properties located approximately 160 metres to the east.
- 1.3 The site is within an area identified as an Existing Employment area on the Local Plan Proposals Map. Most of it is also within a Mineral Safeguarding Area. Approximately 0.85km to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of a freight depot which will include the construction of a steel portal framed building with associated hardstanding and parking facilities for cars and commercial vehicles. The proposed building will be used to conduct three separate functions within the business. Five bays are proposed to be used for the warehousing, two bays will be used as a

vehicle workshop and the end bay will be two storey and will accommodate the office, administrative and training functions together with the staff ancillary and welfare facilities. It will have a gross area (measured externally) of 996sq.m at ground floor and 127sq.m at first floor level, giving a total footprint of 1,123sq.m. The submission sets out that there is a strong possibility that only six bays of the building will be constructed at first with the additional two warehouse bays being added as and when demand dictates. Transport vehicles will be parked in a designated vehicle parking zone away from the points of access to the building and separated from the staff car parking area. Six car parking spaces will be provided for staff, including one disabled space. Drivers' cars will be parked adjacent to the lorry parking as drivers will arrive for work by car, park up and leave in a lorry. Provision will be made for up to 60 vehicles (cars and lorries).

- 2.2 The existing access from the private road within the industrial estate is to be utilised. Most of the site boundary is fenced with 2.4m high galvanized palisade fencing. The remainder is proposed to be fenced in a similar way to secure the site. The site will be lit with floodlights on columns as well as some mounted on the building and it will also be covered with CCTV surveillance. The submission sets out that the company's lease on their existing premises at White Lund is coming to an end and the level of business conducted through Heysham Port has lead them to the decide to develop their own premises at the application site.

3.0 Site History

- 3.1 The most recent history on the site relates to an application for a lawful development certificate to Lancashire County Council for the use of the site for the import, crushing, storage, recycling and distribution of inert materials including on site sales to the building supply trade, retention of crushing and screening machinery in 2014 (LCC/2014/0003). The certificate was granted subject to various restrictions including hours of operation and the quantities and type of materials.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection.
Environment Agency	No objection: conditions include site contamination investigation & land remediation in and submission of a verification report to prevent pollution of controlled waters.
Natural England	No objection.
Lancashire Wildlife Trust	Satisfied with the mitigation proposed in relation to Great Crested Newts. The site is brownfield (open, early successional) habitat, which does have ecological value as specialist plant species colonise bare ground and the associated warm microclimates support a range of invertebrates. As the proposal will result in the loss of early successional habitat a Section106 commuted sum could possibly be merited for enhanced management of open habitats on the nearby reserve managed by LWT.
Environmental Health	Unlikely to be adverse effects associated with vehicular access in relation to nearby residential properties. In agreement with the proposed site investigation and broadly agree with the scope in relation to land contamination. A further response is awaited in relation to the Phase 2 report.
Engineering Team	Subject to the provision of satisfactory calculations the drainage scheme will be acceptable. The appropriate testing appears to have been completed, and though the team advocates that soakaway testing is conducted during winter months, the limitations are appreciated and the team accepts that the conditions during the survey were broadly representative of usual conditions.
United Utilities	No objection subject to conditions requiring the submission of foul and surface water drainage schemes.
Office for Nuclear Regulation	No comment as it does not lie within the consultation zone.
Health and Safety Executive	Using the PADHI+ assessment - no objection.
Parish Council	No comments received
County Council – Minerals Planning	No comments received

5.0 Neighbour Representations

5.1 14 pieces of correspondence have been received objecting to the proposal raising the following concerns:

- Capacity of Middleton Road and the railway bridge for additional heavy traffic
- Impacts on pedestrian safety from increase traffic, in particular nearby elderly residents
- Noise during construction, working hours and movement of vehicles
- Light pollution
- Cumulative impact with other recent industrial development
- More appropriate sites nearby with better access away from residential properties
- Impact on the local wildlife and bird populations

6.0 Principal National and Development Plan Policies6.1 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

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

EC5 – Employment Areas

6.4 Development Management Development Plan Document

DM15 – Employment Premises
 DM22 – Vehicle Parking Provision
 DM27 – Protection and Enhancement of Biodiversity
 DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of the development
- Design, appearance and impact on character of the area
- Impact on residential amenity
- Highways impacts
- Contaminated land
- Drainage
- Ecology implications
- Major Accident Hazard Sites

7.2 Principle of the development

7.2.1 The site is located within an employment area identified as Major Industrial Estate within the Local Plan which formed part of the former Shell oil refinery plant. The site is vacant but has been recently used for the crushing and recycling of construction and demolition waste. There was no planning permission for this use. However, a Lawful Development Certificate was granted by the County Council in 2014 as it had been adequately demonstrated that the use had occurred for more than 10 years. The proposed use of the site is for a haulage depot and falls within use classes B2 and B8.

Given that the site is identified for employment uses, the principle of the development is considered to be acceptable.

7.3 Design, appearance and impact on character of the area

7.3.1 The site is located within an existing industrial estate, accessed from a privately maintained road. It is set back from the Middleton Road and screened by existing industrial buildings. The majority of the site will be hardstanding comprising parking areas for cars and lorries and also an external storage area. The proposed building will be set back from the entrance to the site, towards the south east corner. It will be 48.5m long, 20.5m wide with an eaves height of 7.3m and ridge height of 9.7m. The main elevation comprises four sectional overhead loading doors with three smaller doors and two windows. The majority of the walls and the roof of the building will be steel cladding finished in Goosewing Grey, in addition to the loading doors. A brick plinth is also proposed. The trim to the cladding, including gutters, fascias and barges and the personnel doors will be in Flame Red to reflect the red in the company's corporate branding. The existing fencing around the site is 2.4m galvanised metal fencing and the submission sets out that the rest of the boundary would be similar. Precise details could be conditioned.

7.3.2 The proposal relates to a site within an existing industrial estate, adjacent to existing industrial buildings. As such, the proposed scale and design of the scheme is considered to be acceptable and will not have an adverse impact on the character or appearance of the area.

7.4 Impact on residential amenity

7.4.1 There are no residential properties immediately adjacent to the application site. However, there is a residential park home site, Broadgate Park, on Middleton Road opposite the entrance into the industrial estate. Additional information was requested from the agent in relation to the number of vehicles and hours of operation. It has been set out that, although there will be around 60 vehicles based at the depot, the majority of these will leave the site on a Sunday afternoon and Monday morning and not return until the end of the week. Occasionally a vehicle will come back if it requires mechanical assistance. The remainder of vehicles would be driven by day personnel who would return their trucks to the depot every evening, between 5 and 10 vehicles per day. In respect of hours of operation, the depot will effectively need to be accessible 24 hours a day, 7 days a week. However, it will only be in exceptional circumstances that there will be any activity between the hours of 8.00pm and 6.00am the following morning. Operations are related to ferry crossing times at Heysham Port.

7.4.2 Environmental Health has confirmed that they have contacted the Environment Agency regarding any noise issues with vehicle movements on and off site associated with Tradebe Ltd, located to the west of the site. They confirmed that they have a 24hour operation and have a permit to allow vehicles to leave and enter the site at any time. There has been one complaint concerning vehicle noise in the last 12 months and this was associated with idling engines at the site gates during early morning hours (due to the Weigh Bridge being located in this area). This was rectified by ensuring vehicles came directly onto site and there has not been complaints since. The main consideration in relation to the proposed development is whether the vehicles entering and exiting at this junction will impact upon the existing noise levels to such a degree that there will be a change in the acoustic character of the area and whether there will be noticeable and intrusive impacts and observed effects. In view of the existing road and acoustic characteristics of the area Environmental Health advise that it is unlikely that there will be adverse impacts upon local residents residing at the caravan park that will cause changes in normal behaviours or that there will be impacts upon quality of life, considering potential frequency of noise events and the time of day the noise events are likely to occur. It is not easy to gauge what the noise impacts will be of vehicles leaving and entering the site early in the morning or late at night though from the information provided it appears that this is likely to be very infrequent and the impacts are therefore less significant. It must also be acknowledged that this is an identified employment site on a former industrial site where the Council would expect new employment uses to be focussed.

7.4.3 Given the separation distance between the site and residential properties, and intervening buildings, it is unlikely that there will be adverse impacts as a result of operations within the site. Floodlighting is proposed and detailed information can be requested by way of a condition to ensure that these will not be directed towards residential properties and ensure the levels are acceptable. A construction management plan can also be requested to protect residential amenities during construction.

7.5 Highways Impacts

7.5.1 Access to the site is from an existing road within the industrial estate and will be retained with the gate set back to prevent obstruction of the access road. The proposed development will provide six car parking spaces for building staff and visitors, including 1 disabled space. A separate car parking area will be allocated for drivers of the commercial vehicles operating from the site. This area will be capable of accommodating 60 vehicles (cars and lorries) at any one time. There have been some concerns raised in relation to the suitability of Middleton Road for additional heavy traffic and the capacity of the nearby bridge, in addition to impacts on pedestrian safety. However, County Highways has raised no objection to the proposal.

7.6 Contaminated Land

7.6.1 A desk top environmental study of the site suggests that contamination and gases may be present. In order to determine the extent of any such contamination, an intrusive geo-environmental site investigation has been commissioned. A response is awaited from the Contaminated Land Officer in relation to the submitted Phase 2 study and will be reported at the Committee Meeting. The Environment Agency has also been consulted and has raised no objections subject to conditions requiring a scheme that includes various components to deal with the risks associated with contamination of the site and a verification report to show the appropriate remediation has been carried out. They have also been re-consulted on the Phase 2 report.

7.7 Drainage

7.7.1 Further details were requested regarding the proposed drainage on the site. A drainage strategy has now been provided which aims to achieve the required run-off rates by on site attenuation and the use of soakaways following the percolation testing carried out as part of the geo-environmental testing. It also details the use of oil interceptors on the site. The Council's drainage engineer has confirmed that subject to the provision of satisfactory calculations, it will be acceptable. The appropriate testing appears to have been completed, and although the soakaway testing should have been conducted during winter months, it is accepted that the conditions during the survey were broadly representative of usual conditions. It is considered that the final details could adequately be controlled by condition.

7.8 Ecology Implications

7.8.1 Paragraph 1.3 details the habitat designations in close proximity to this proposal. Natural England has confirmed that they have no objections in relation to impact on the statutory designated sites.

7.8.2 The site is also located adjacent to a Biological Heritage Site. In 2014 a significant population of Great Crested Newts was identified on the former ICI plant. An ecology report was submitted with the application to address any potential impacts on newts. In response to this, Lancashire Wildlife Trust (LWT) raised some concerns and so the report has now been updated. LWT has now confirmed that they are satisfied with the mitigation proposed in relation to Great Crested Newts. The report recommends that the majority of the site (excluding a vegetated mound) is cleared of rubble following the reasonable avoidance measures including: briefing of site operatives; clearance works conducted under by a suitably licensed ecologist during April/May when any Great Crested Newts will be attempting to move towards their breeding ponds and will therefore not be present within the inhospitable, alkaline rubble; the ditch to be subject to a fingertip search by a suitably licensed ecologist; and nocturnal torch surveys undertaken within the fenced perimeter during Spring 2015 to identify any amphibians within the site. The works to the aforementioned vegetated mound would be delayed until a licence is approved by Natural England for the removal of the earthen mound in Summer 2015.

7.8.3 LWT also set out that the site is brownfield (open, early successional) habitat, which does have ecological value as specialist plant species colonise bare ground and the associated warm microclimates support a range of invertebrates. They manage an area of this type of habitat on the nature reserve at Middleton for this reason. As the proposal will result in the loss of early successional habitat the LWT has asked whether this is something that a Section 106 commuted sum could be used to compensate for, perhaps through enhanced management of open habitats on the reserve. The amount would need to be proportionate to the scheme. This has been raised with

the agent and the outcome of discussions will be reported at the Committee meeting.

7.9 Major Accident Hazard Sites

7.9.1 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately due west. The submission sets out that they have discussed the proposal with the Safety, Health, Environmental & Quality (SHEQ) Manager at Tradebe who has advised that the Tradebe premises is a top-tier COMAH explosion site and as such all protocols are in place to deal with any event which may occur. The zone of influence covers a radius of 1km from the Tradebe site. All owners and operators whose properties fall within this zone receive an annual written update of procedures and instructions from Tradebe advising them on what happens should an incident occur at the plant. There is also an off-site alarm system in place to give advanced warning of any potential issues. The submission sets out that the SHEQ Manager did not envisage there being an issue with the proposal on the application site but advised that consideration should be given to siting any buildings as far away as possible from the Tradebe site as an additional precaution. No comments have been received from Tradebe and there have been no objections from the Health and Safety Executive, using the PADHI+ process.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application, subject to the outcome of discussions as referred to in paragraph 7.8.3.

9.0 Conclusions

9.1 The proposal is located within an existing identified employment site and therefore the principle of the development is acceptable. It is of an appropriate scale and design, in keeping with the character and appearance of the area and will not have a detrimental impact on highway safety or residential amenity and is therefore considered to be acceptable.

Recommendation

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

1. Standard 3 year timescale
2. In accordance with approved plans
3. Contaminated land investigation and remediation
4. Submission of verification report
5. Construction management plan
6. Foul and surface water drainage scheme
7. Surfacing materials
8. Boundary treatments
9. Finish to walls and roof as set out unless otherwise agreed
10. Ecology mitigation
11. Details of all external lighting

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Human Rights Act

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

Background Papers

None

<p>Agenda Item A10</p>	<p>Committee Date 5 June 2015</p>	<p>Application Number 15/00537/FUL</p>
<p>Application Site Land To The Rear Of Burr Tree Cottage Long Level Cowan Bridge Carnforth</p>	<p>Proposal Erection of 18 dwellings with associated access and parking</p>	
<p>Name of Applicant Mr Richard Morton</p>	<p>Name of Agent Mr James Ellis</p>	
<p>Decision Target Date 10 August 2015</p>	<p>Reason For Delay N/A</p>	
<p>Case Officer</p>	<p>Mr Andrew Drummond</p>	
<p>Departure</p>	<p>Yes</p>	
<p>Summary of Recommendation</p>	<p>Refusal</p>	

1.0 The Site and its Surroundings

1.1 The 0.54 hectare application site falls on the north east side of A65 close to the centre of Cowan Bridge. It comprises an agricultural field enclosed by a stone wall to the site's frontage, a disused railway embankment to the rear, Leck Beck to the north west and a further stone wall boundary to the south east (beyond which is the Fraser Hall). The field is undulating with a grass covering and benefits from a public right of way that runs across its north western edge to the top of the beck's bank. This edge also falls within Flood Zone 2, with a very small corner of the site within Flood Zone 3. The site falls within the District's Countryside Area. A Listed boundary stone is situated immediately outside the site on the grass verge to the A65, the Listed Cowan Bridge over Leck Beck is located adjacent to the site's western corner.

2.0 The Proposal

2.1 The application seeks planning permission for the erection of 18 dwellings with a new access onto the A65. With the exception of the creation of the new access the stone wall to the site frontage will be retained with the removed stone being utilised as part of the boundary treatments to the rear gardens of 5 of the plots. The dwellings comprise five 2-bed houses, nine 3-bed houses and four 4-bed houses. 13 will benefit from garages, with the remaining 5 having 2 designated parking spaces. It is proposed that the houses are all open market houses (no affordable housing is proposed).

3.0 Site History

3.1 A previous application (14/01052/FUL) was approved by Planning Committee in January 2015, but was subsequently withdrawn by the applicant after they failed to enter into the legal agreement within the determination period.

4.0 Consultation Responses

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

Consultee	Response
County Highways	Previously had no objection subject to conditions relating to the provision and protection of visibility splays; construction method statement to be agreed and complied with; and access arrangements and off site highway works to be agreed and implemented prior to occupation.
Environment Agency	Previously had no objection subject to conditions relating to compliance with the submitted Flood Risk Assessment, finished floor levels are set no lower than 300mm above existing ground levels, surface water run-off limited to 5 litres per second, and a soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse.
United Utilities	No objection. Advise that there are no known United Utilities wastewater assets in the vicinity of this development. Previously had no objection subject to conditions relating to details for separate foul and surface water treatment, with restrictions to existing run-off rates.
Environmental Health	Previously had no objection subject to a condition relating to hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only).
Contaminated Land Officer	Previously had no objection subject to conditions relating to unexpected contamination, importation of soil, material and hardcore, prevention of new contamination, and bunding of tanks.
Conservation Officer	Previously raised concerns about the absence of a heritage statement (though one was subsequently produced) but the proposed design remained uninformed by the heritage of the local environment. Conditions required regarding stone, mortar, slate, timber doors and windows, rainwater goods, ridge and eaves details.
County Planning	The application site is in a Mineral Safeguarding Area (mineral resources of sand and gravel may be present). Given the nature of this development, and its potential to permanently sterilise resources in its vicinity, the Local Planning Authority may feel it appropriate that the applicant submits a mineral resource assessment.
Burrow with Burrow Parish Council	Previously supported the application though concerns about land drainage and possible risk of pollution with sewerage to Leck Beck, highway safety, the houses not being for local occupancy (potentially second homes/holiday lets), and no community benefits to school or village hall.
Ireby with Leck Parish Council	Previously raised concerns about the housing density, access, highway safety, discrepancies within the submission regarding proposed materials and local services, adequacy of the proposed treatment plant, and flood risks.

5.0 Neighbour Representations

5.1 No comments received at the time of compiling the report.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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

Paragraph **17** - 12 core land-use planning principles
 Paragraphs **49** and **50** - housing
 Paragraphs **56**, **58** and **60** - good design
 Paragraphs **100** and **103** - flood risk
 Paragraphs **129**, **131**, **132** and **135** - conservation

6.2 Core Strategy

SC1 – Sustainable development
SC4 – Meeting the District's Housing Requirements

6.3 Development Management DPD

DM28 – Development and Landscape Impact

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

DM35 – Key design principles

DM38 – Development and flood risk

DM39 – Surface water run-off and sustainable drainage

DM41 – new residential development

DM42 – Managing rural housing growth

7.0 Comment and Analysis

7.1 The key considerations in determining this planning application are:

- The principle of residential development in this location
- Provision of affordable housing
- Design, layout and sustainable construction
- Impact on heritage assets
- Impact on landscape
- Access and parking
- Flooding and drainage
- Ecology and trees

7.2 The principle of residential development in this location

7.2.1 The Development Management DPD has not identified Cowan Bridge as one of the villages within the District where new housing is proposed. However, it benefits from a convenience store, a very limited bus services, a school in the next hamlet (1km away in Leck), a small employment area and a church. In other words, whilst it is a departure from the Development Plan the application does seek to provide new housing in a village that supports more services than some of the villages identified in the DM DPD policy DM42. It is on this basis that the proposal is acceptable in principle subject to satisfactorily meeting the requirements of other policies within the Development Plan.

7.3 Provision of affordable housing

7.3.1 When the application was initially submitted the applicant was seeking to provide no affordable housing based on their financial appraisal which accompanied the application. This appraisal was checked by the Local Planning Authority and in their opinion was found wanting. A number of figures within the appraisal were questioned. The application was ultimately reported to Committee with a requirement for 7 affordable units (39% provision across the site). This was approved subject to a requirement for a legal agreement to secure the affordable housing (and maintenance of the open space). The applicant did not enter into the legal agreement, but withdrew the application instead. The applicant then provided additional financial information that was subsequently independently assessed as agreed between the Local planning Authority and the applicant. The assessment concluded that the delivery of 7 affordable units on site is viable. Despite this, the applicant has submitted this application stating no affordable housing will be provided.

7.3.2 The application as submitted also stated that there was no housing required for workers of the Leck Estate, and the applicant advised that he would not accept a local occupancy condition when questioned by one of the local Parish Councils. Quite simply, the application failed to meet the Council's planning policy requirements in terms of affordable housing. Whilst it is recognised that the Council does not have a 5 year land supply of deliverable sites for housing, this is a greenfield site and a departure from the Development Plan, and therefore the applicant must offer 7 affordable houses on the site for the scheme to be acceptable in planning terms. This is discussed further in 8.1.

7.4 Design, layout and sustainable construction

7.4.1 The proposed layout of the housing scheme was carefully considered with the houses orientated to face onto public spaces – the A65, the public footpath and the proposed public open space. Unfortunately on the original submission it appeared that less work had gone into the design of the house types that did not reflect the local vernacular. Cowan Bridge is an attractive village with distinctive house styles. Whilst the materials of stone, slate and timber (doors and windows) had

been identified, other key details had not. The original application was not supported by a heritage statement. Whilst one was provided during the determination period, it should have been undertaken prior to designing the properties and its absence probably explains the lack of reference in the proposal to its local environment. This is explored more in Section 7.5.

7.4.2 Through negotiation with the applicant and his architect a number of design changes were achieved on the original submission, including the removal of a gablet, relocation of downpipes, changes to some of the porches, widening of the small window openings, provision of window surrounds, removal of glazing bars from the casement windows and removal of a gable fronted property. These changes have made a significant difference to the scheme, and are reflected in this later submission. The exception is that many of the porches still include a toilet and therefore have an off-centre door and a small window within its façade. To accommodate these openings, the porch is also overly wide, especially in proportion to the width of the property to which they serve. The architect has investigated whether the toilets could be relocated under the stairs within the ground floor layout, but there is insufficient headroom to do so. As such it is the applicant's preference to retain the toilet in the porch. As the front doors of the traditional dwellings in the village are either recessed into the façade or set into a narrow porch with a dual pitched roof, it would have been preferable to replicate this feature within this new development. However, when considering such details, it is a case of whether form and function can co-exist or whether one outweighs the other. On balance, a relatively sensitive porch arrangement has been agreed for each house type and whilst these do not reflect the local style, they are not sufficiently out of character to warrant a reason for refusal on design grounds.

7.5 Impact on heritage assets

7.5.1 Whilst Cowan Bridge is not a Conservation Area, the proposed site is adjacent to and opposite a number of designated and non-designated heritage assets. In particular, it impacts upon the setting of the Listed Cowan Bridge and boundary stone adjacent to the field boundary wall, and it could also be argued (though to a lesser degree) the setting of the Listed Bronte Cottages. The Conservation Officer is reassured that the field stone boundary wall is being retained, and that natural stone, natural slate, and painted timber doors and windows, and pointed verges are proposed. However, the Officer previously raised concerns about the absence of a heritage statement which explained why the original design on the earlier submission was uninformed by the heritage of the local environment.

7.6 Impact on landscape

7.6.1 Most of the land to the north east of the A65 is earmarked as a potential extension to the Yorkshire Dales National Park. A decision is anticipated at any time. However, this particular site is excluded from the proposed designation given it is slightly divorced from the wider landscape by Leck Beck, the railway embankment and existing development. (The site's divorced nature from the surrounding area and its proximity to adjacent housing makes this site unsuitable for mineral extraction despite being in a mineral safeguarding area). That said, the site still falls within the District's Countryside Area, is within an attractive historic (non-designated) environment and will form some of the context to the boundary of the national park should it be expanded in the manner proposed. Therefore the scale and form of the development is important, including boundary treatments, elevation and roof details, and materials. Cowan Bridge has a mix of painted stone and bare stone elevations with slate roof dominating. The proposed scheme was for 18 stone built properties, but this was felt to be out of keeping with the local area insofar as the presence of stone is broken up with white painted properties. It is deemed appropriate to add some contrast and therefore the applicant is now proposing 4 rendered properties within the development.

7.7 Access and parking

7.7.1 County Highways assessed the previous application and deemed the proposal acceptable from a highway safety and efficiency perspective. Access can be taken from the A65 and adequate visibility splays achieved. The Highway Authority sought a number of off-site highway works to make the development acceptable, including provision of a footpath within the existing verge along the site's frontage, a new/relocated refuge island, new street lighting, new gateway treatments to the village to reduce vehicle speeds and upgrades of the kerbs at the bus stops. All of these requirements can be addressed by way of conditions.

7.7.2 Parking is adequately provided for within the scheme. The properties benefit from parking bays or driveways with garages. The level of provision is deemed acceptable for the size of properties and the village's location and limited public transport options (restricted bus service).

7.8 Flooding and drainage

7.8.1 The north western edge of the site is within Flood Zones 2 with a very small section (the public right of way) within Flood Zone 3. United Utilities and Environment Agency have been very helpful in providing the applicant and the Local Planning Authority advice which has been checked over by the City Council's drainage engineer. The foul will be dealt with by way of a new water treatment plant, to be installed close to the beck. The surface water will be controlled by a system that include a hydrobrake that restricts the flow of water off the site. The applicant's Flood Risk Assessment also requires the properties' finished floor levels to be 300mm over existing ground levels, though the Environment Agency has confirmed that this is only required for properties in Flood Zone 2. If the drainage schemes are not adopted by United Utilities they will require a maintenance and management scheme for their lifetimes.

7.9 Ecology and landscaping

7.9.1 The site comprises poor semi-improved grassland. It supports very little wildlife as it is regularly grazed, or grown and cut for silage. The railway embankment that faces the site has a covering of hawthorn and bramble, which supports nesting birds and the tree-lined Leck Beck is a foraging route for bats. The trees must be retained and protected during construction (including their roots and branches which may encroach into the site) to protect this habitat and where possible enhanced by additional native tree planting. The embankment and the beck fall outside the application site, but light spillage will not respect arbitrary boundaries, so will need to be controlled by condition. Tree works and protection measures, along with additional planting will all need securing by planning condition too.

7.9.2 The site layout proposes an area of public open space. During pre-application discussions with the Parish Council, the applicant was made aware of their desire for a children's play area as the village currently does not have that facility. The Public Realm Officer suggested at that time that amenity space was required, maybe with the inclusion of some natural play and play equipment. The plans simply show an area of grassed space situated in the southern corner of the site with some tree planting to two of its edges. The space benefits from natural surveillance from the adjacent proposed properties whilst being close to the existing dwellings. This will hopefully give the space a sense of joint ownership and not merely considered to be for the use of the new properties only. The drawback is its siting next to the A65, which will restrict how the space can be used, but equally the inclusion of some forms of equipment may adversely impact on the amenity (overlooking) of the adjacent property. The proposal is therefore generally acceptable, though specific details will be required as part of the site's landscaping scheme and its ongoing maintenance will need to be secured by way of a private management company via a legal agreement.

8.0 Planning Obligations

8.1 The application seeks to erect 18 dwellings on a greenfield site in an area of the District where house prices are high. There are some additional development costs associated with this scheme, but nothing particularly abnormal, such as contamination, demolition/site clearance, major access arrangements and the like. In line with the Council's planning policy this site should deliver 40% affordable housing on site. The applicant is seeking to provide no affordable housing.

The application is only acceptable if the applicant offers 40% provision of affordable housing on site. As this equates to 7.2 units, it would actually be 39% (i.e. 7 units). This was the Officer's recommendation on the original application and the Committee's resolution to approve was based on the same premise. This has subsequently been tested. The applicant has provided the Council with their financial information and this has been independently assessed as agreed with the applicant. The assessment concluded that 7 affordable housing units on this site is viable. Despite this, the applicant is seeking to provide none.

9.0 Conclusions

9.1 The Local Planning Authority has worked with the applicant both during the determination period of

the original application and the interim period between the withdrawal of the original application and the submission of this one. Despite Officer's recommendation on the original application and the Committee's resolution, and then the subsequent verification of the scheme's viability by an independent assessor based on information provided by the applicant, this application has been submitted with no affordable housing provision. This is contrary to planning policy and therefore the application is recommended for refusal.

Recommendation

That Planning Permission **BE REFUSED** (following the expiry of the statutory consultation period) for the following reason:

1. The application as submitted fails to address planning policy with regard to the delivery of affordable housing. The financial information provided by the applicant has been independently assessed prior to the submission of this application and it was concluded that 39% (7 units) provision of affordable housing on site is viable. Despite the conclusion of this assessment the applicant is proposing a 100% open market housing scheme. This is contrary to Development Management policies DM41 and DM42, Core Strategy policy SC4 and National Planning Policy Framework paragraphs 17 and 50.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

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 5th June 2015</p>	<p>Application Number 15/00271/LB</p>
<p>Application Site Galgate Mill Chapel Lane Galgate Lancashire</p>		<p>Proposal Listed building application for works to the Mill including removal of external lift and reinstated openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, creation of atrium and light well, insertion of rooflights, repairs to brickwork and repointing, glazed porch addition, creation of ramp and handrail, security gate, insertion of partitions, ceilings, air conditioning, lift, stairs, internal ramp and flues</p>
<p>Name of Applicant Mr Ayub Hussain</p>	<p>Name of Agent None</p>	
<p>Decision Target Date 4 May 2015</p>	<p>Reason For Delay Officer workloads and committee cycle</p>	
<p>Case Officer</p>	<p>Mrs Jennifer Rehman</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Split decision to approve consent for majority of external works and refuse consent for the majority of internal works and external atrium lightwell.</p>	

1.0 The Site and its Surroundings

1.1 The application site is located at the northern end of Galgate beyond the main built-up part of the village within Ellel Parish, accessed off Chapel Lane. It forms part of the listed Galgate Silk Mill complex which comprises a number of buildings but predominately consists of a former corn mill that was converted to a silk spinning mill in 1792 on the west side of Chapel Lane and the large mill dating 1851-2 on the east side of Chapel Lane. The application site relates solely to the large five-storey brick built mill and chimney on the east side of the road and not the attached buildings around it. The application building, like the other mill buildings in the immediate area, are grade II listed (under 2 separate listings). Ellel House sits alongside the northern boundary of the mill complex and is also grade II listed, along with St John's Church which is situated north of Ellel House. Collectively this group of listed buildings form a small historic core in the northern part of the village.

2.0 The Proposal

2.1 Listed building consent is sought for various works to the Mill including the removal of external lift and reinstatement of openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, repairs to brickwork and repointing to the building including the chimney, glazed porch addition, creation of external ramp and handrail, security gate, creation of atrium and light well, insertion of rooflights, insertion of partition walls, new ceilings, air conditioning, lift, stairs, internal ramp and flues.

2.2 This listed building application is a resubmission of a previously refused listed building application. The reason for refusal is set out on the decision notice that forms one of the background papers.

There have been some modest amendments to the scheme following this refusal namely the retention of the external fire escape to the east elevation and the retention of the railings/wall to the west elevation facing Chapel Lane.

- 2.3 The application makes reference to resurfacing, parking arrangements and the provision of a cycle stand. These elements do not require the benefit of listed building consent and have not been considered. Similarly like for like repairs would not require the benefit of listed building consent. The application indicates that there would be structural like for like repairs to the floors.
- 2.4 Members should be aware that the corresponding change of use application to provide 107 student studio apartments with communal/leisure facilities and museum has been lodged with the Planning Inspectorate, though no formal start date has been received. The Planning Inspectorate have confirmed that the appeal would be via Informal Hearing.
- 2.5 This listed building application is to effectively facilitate the applicants proposed use for the building, though certain works proposed under this listed building application could be carried out irrespective of the use of the building, i.e. that are not intrinsically linked with the proposed change of use.

3.0 Site History

3.1 The most relevant planning history is reported in the table below.

Application Number	Proposal	Decision
14/01048/LB	Listed building application for works to the Mill including replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance, safety door and access ramp, repairs and relocation of railings to pavement, various internal works to false ceilings, partitions, steps/staircases and flooring, partial removal of external rear fire escape and removal of external lift	Refused
14/00989/CU	Change of use, conversion and alterations of a mixed use showroom/warehouse with associated storage and office accommodation into 107 student studio apartments (use class C3) with associated communal facilities, a silk weaving museum (D1), cafe (A3), erection of a bicycle shelter and porch extension	Refused

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	<p>No objections to the proposed listed building works or the principle of student accommodation.</p> <p>They are supportive of a scheme which could see the building brought back into use and ensure its long-term future. However the Conservation Officer acknowledges that this application deals with listed building matters rather than the principle of the change of use.</p> <p>Comments that the lack of information provided with the previous listed building application has been addressed and that the majority of works proposed are acceptable subject to conditions. The Conservation Officer does however raise concerns over the impact of the extent of the sub-division on the buildings open-plan nature but indicates that if it is concluded via the relevant change of use application that the number of apartments proposed is the only financially viable option for the building, and a robust case is made, then the Conservation Officer</p>

	considers that the benefit of securing the buildings optimum viable use would outweigh the less the substantial harm caused by the extent of subdivision and formation of the atrium.
Civic Society	The Society welcomes the additional information provided but maintains concerns over the layout and density of rooms provided. The Society goes on to discuss how a mixed use scheme would be more appropriate.
County Archaeology	No objections subject to an archaeological recording condition being imposed on the listed building consent if the LPA are minded to approve.

5.0 Neighbour Representations

5.1 At the time of compiling this report 25 representations from the public have been received. Of these 22 were in support of the proposal and 3 against. The reasons for support/opposition are summarised as follows:

Support:

- The mill as it stands is an eyesore and attracts vandalism and deterioration
- Its redevelopment would improve the area and secure its long term use
- Preservation of an important heritage building
- Good design
- Accessible location
- Economic and community benefits
- Good for local shops/pubs
- This LB application resolves previous refusal reasons
- Disappointment that there remain objections to the application
- Fully support the museum element of the scheme
- Suitable use for the Mill given proximity to the University
- Removal of unsightly modern metal lift shaft
- All of the work proposed will be needed whatever the use
- Disappointment with previous refusals – surely the most important this is the preservation of the historical site

Objection:

- Adjacent landowner disputes legal rights of access (not a planning consideration)
- The proposal is the same of that previously refused by the local planning authority
- Objection on the grounds the future use of the mill is not clear
- Internal design is not appropriate for a listed building
- Traffic concerns and parking problems

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 17 – Core Principles

Paragraphs 56, 58, 61, 64 – Good Design

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

Paragraphs 188-190 – Pre-application engagement

Paragraphs 196-198 – Determining planning applications

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

6.3 Development Management DPD

DM8 – Re-use and Conversion of Rural Buildings

DM30 – Development affected Listed Buildings

DM32 – Setting of Designated Heritage Assets

DM35 – Key Design Principles

7.0 Comment and Analysis

- 7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should only grant listed building consent subject to the following condition set out in s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter referred to as the 1990 Act) *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Paragraph 132 of the NPPF seeks to express the statutory duty set out in s16(2) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.
- 7.2 The applicant has submitted a revised listed building application for various works which are by in large similar to those proposed under the recently refused listed building application, though there are some modest amendments as set out in the proposals section of this report. One element of the earlier refusal reason was that insufficient and inconsistent information had been submitted. The Council’s Conservation Officer is now satisfied that sufficient information has been submitted to properly assess and understand the potential impact and acceptability of the development proposals on the significance of the heritage asset, as required by national and local planning policy.
- 7.3 The applicant has not submitted a revised change of use application addressing the previous reasons for refusal (see background paper) and as such the local planning authority should consider the merits of the listed building application on the basis that there is no change of use permitted for an alternative use (such as student accommodation) at this time. As part of the determination of this listed building application the local planning authority are not considering whether the applicant’s intended change of use is acceptable or not. This is a matter to be determined via a formal application for planning permission not listed building consent. Some of the public representations make reference to the proposed use of the site – these comments are not material to the determination of this listed building application. Officers are therefore mindful that some elements of the applicant’s proposal are intrinsically linked to the recently refused student accommodation scheme which will affect our consideration of whether or not such work would be appropriate and acceptable to be granted listed building consent. The proposal also seeks listed building consent for works that are not intrinsically linked to the applicant’s proposals for student accommodation and are works that could be carried out irrespective of the use of the building.
- 7.4 The application has been submitted with supporting documents which relate to the pending listed building application but also the change of use proposal recently refused and appealed. The Council has already determined the applicant’s proposals for planning permission and based on the information provided at the time of determination the applicant’s change of use proposal was not considered acceptable for a number of reasons (see attached background document).
- 7.5 The submitted Heritage Statement together with other supporting documents and plans, satisfies Officers that the applicant has appropriately assessed the significance of the Mill in accordance with paragraph 128 of the NPPF. The submitted assessment concludes that *‘the Galgate Mills complex as a whole can be defined as being of Outstanding Significance, incorporating a wide range of structures, of differing rarity and survival, with an extremely high group value and archaeological potential. The buildings represent a very rare survival of a silk-spinning complex within Lancashire, and potentially incorporate elements of the earliest surviving silk-spinning factory in the country’*. Officers have no reason to dispute this assessment and agree that the Mill is of outstanding significance and that its long-term future is important to the village and district as a whole. Officers also agree, as they have done previously, that finding an appropriate sustainable end use for the mill for future generations to enjoy is important, though this is a matter to be assessed and examined via the relevant application for planning permission.
- 7.6 The submitted heritage statement confirms that those elements of the building considered *outstanding significance* are the external elevations of the main mill, the boiler house, warehouse range and chimney. Elements of the main mill considered *great significance* are the internal

columns and upright shaft bearings and elements considered *some significance* are the engine bed, privy tower, fire-fighting apparatus (including the fire escape), bearing boxes and the window frames. There are elements of the main mill which are considered to be of *lesser significance*. These include the ceiling beams, floorboards, the lean-to extension, wright-iron railings, personnel tunnel and internal spiral staircase. The *negative* elements include the external lift tower to the south side of the mill and internal partitions.

- 7.7 The applicant's proposal seeks to retain, repair and enhance the elements of the building considered *outstanding* or of *great significance* and proposes to remove some elements described as negative elements, namely the external lift tower. The Council's Conservation Officer has confirmed that many of the external works proposed will involve repairing the historic fabric which clearly represents a major conservation gain. The greatest external intervention will be the replacement of the windows. Additional information has been provided in relation to the windows since the last refusal of listed building consent. This information confirms that due to the condition of many of the windows which are beyond repair, replacements windows are proposed of a design that reflects the appearance of the original windows - albeit double glazed with improved thermal/acoustic properties. These will be painted timber and non-opening. The Conservation Officer is generally satisfied with the information provided but would recommend a condition for full window construction details including a sample. Given the importance of the building this is considered a reasonable request.
- 7.8 With regards to other external works, the proposed application seeks to reinstate and conserve the original lead hoppers and down pipes to the front and north elevations. To the other elevations replacement cast metal hoppers and downpipes are proposed. The application also seeks to repair the external brickwork and re-point in lime mortar. The water tank shall be capped at the top and refurbished and painted a colour to be agreed with the local planning authority. The proposal also seeks to reinstate the front loading doors and side lift shaft openings as original using reclaimed materials. The existing railings and wall along the western elevation of the mill were previously proposed to be set back to enable the footpath to be widened. This listed building application now seeks to reinstate them and leave them in situ to avoid any potential damage to the historic fabric of the mill. The proposal does however seek to remove the infill material between the railings/wall and the façade of the building. The Conservation Officer has raised no objections to this from a heritage point of view. The issue over the loss of widening the footpath (highway issues) is a matter to be debated via the appeal or any future resubmission for planning permission for the use of the building. There is no reason not to support the proposed changes to the scheme in this regard from a heritage perspective. The application also proposes the removal of the external lift tower which is a clear benefit to the scheme.
- 7.9 In addition to the above external works, the application also seeks listed building consent for a small porch extension to the south elevation shown on drawings LB06/amended LB07. The extension is without doubt a subservient addition to the building designed to be a modern and lightweight addition to the mill (predominantly glazed). Its position set back from the front elevation also means it is discretely located and not at all dominant from Chapel Lane. Notwithstanding the details submitted the window glazing detail proposed to the south elevation of this extension could be improved by the insertion of two vertical glazing bars. This could be controlled by condition. The formation of a new entrance porch to the mill is not necessarily a requisite of the specific use the applicant has previously applied for and is subsequently appealing and could be provided for any potential use of the mill or indeed the existing use. On this basis, Officers are of the opinion the extension could be supported as part of this listed building application. The same would apply to the external ramp and railings proposed to the same elevation and the security gate.
- 7.10 The supporting information submitted (Condition report, March 2015) also indicates that the exiting roof to the lean-to extension to the east elevation is highly dangerous and in need of replacement. These works of repair can also be supported from a listed building perspective together with the replacement rooflights. The Conservation Officer requests a condition for full details of the new roof including timber structures, roof materials, verge/eave and rainwater goods to be submitted to the LPA for approval. The condition report also comments on the need for repairs to be carried out to the roof to prevent further water ingress. Details of the repair works and any replacement roof materials can be adequately controlled by condition and are not considered intrinsically linked with the applicant's proposed change of use which has recently been refused.
- 7.11 The remainder of the works proposed as part of this listed building application are considered to

be intrinsically linked with the applicants recently refused change of use proposal to provide an extensive student accommodation development. The applicant has submitted supporting documentation which relates to the proposed change of use. The local planning authority can only consider whether the proposed works are acceptable or not from a listed building perspective. Equally, the local planning authority must be mindful that granting listed building consent for works which have not been appropriately justified via an appropriate application for planning permission would be inappropriate. The local planning authority's position on the change of use application was clear and its decision to refuse was considered reasonable and appropriate in the circumstances. The applicant contends that the proposal is the only viable option and that the LPA's decision to refuse was unreasonable and unsubstantiated and have therefore appealed the Council's decision. The applicant is perfectly within their rights to appeal. The LPA will defend its reasons as and when the appeal for the change of use proposal commences.

- 7.12 The principal internal works which are considered to be intrinsically linked with the proposed change of use include the sub-division of the large open-plan floorplates to accommodate 107 studio apartments and association accommodation, the incorporation of new ceilings, associated mechanical ventilation systems and the provision of a central atrium which involves the removal of original floors and the insertion of a glazed atrium light well to the roof. It is accepted within the applicant's own submission that the internal partitions are negative elements with little or no intrinsic interest that can be considered to have an adverse impact on the historic character of the building. Similarly that the most significant intervention would be the removal of limited sections of the upper floors to create the atrium. Whilst the applicant's submission indicates such impacts need to be balanced against the benefits afforded to the refurbishment of the mill, at this time there is no planning permission in place for its redevelopment. The only application received for the mill's redevelopment has recently been refused and so the benefits described in the application (securing an end use) cannot be given significant weight. In terms of the degree of harm, it is accepted that in accordance with the NPPF the works proposed that are considered to be intrinsically linked to the refused change of use, would lead to less than substantial harm to the significance of the heritage asset and so paragraph 134 of the NPPF applies, which states that this harm should be weighed against the public benefits of the proposal. Public benefits could include securing the optimum viable use of the heritage asset.
- 7.13 The submitted application suggests that the only viable use for the mill is for residential purposes. From a conservation perspective, there are no objections to the principle of student accommodation in the mill. However, the supporting information submitted does not make a clear or robust case that the proposed development is the optimum viable use for the mill nor does the applicant make a clear case for enabling development - though both matters would need to be addressed via the relevant change of use application/appeal. In which case, whilst the conservation officer has indicated if such a case was made and accepted (by the LPA or Planning Inspectorate) via the relevant application for planning permission, securing the opinion viable use would outweigh the less than substantial harm caused by the internal interventions and alterations to the listed building.
- 7.14 At this time, however, the LPA cannot conclude that the proposals for the use of the building is the optimum viable use. In which case it would be premature to accept the proposed internal alterations which have been identified by the Conservation Officer to lead to less than substantial harm. The large open-plan floor plates give a strong impression of the scale and special architectural and historic interest of the mill. The unjustified loss of these open-plan spaces through the introduction of negative additions to the building would lead to harm, albeit less than substantial harm. Whilst officers are supportive of a future proposal which could see this significant landmark building brought into a sustainable long term use, inadequate justification has been provided via the appropriate application for planning permission. As such without the public benefits of the proposal being realised at this stage paragraph 134 of the NPPF cannot be satisfied and the strong presumption to avoid harm set out in the 1990 Act cannot be fulfilled. This must carry significant weight in the determination of the application. On this basis, the internal works comprising the creation of atrium and light well, insertion of internal partition walls, insertion of ceilings, air conditioning/ventilation systems with associated flues/plant, new lift and staircase and internal ramp cannot be supported.
- 7.15 Generally applications for listed building consent that are so intrinsically linked with a proposed change of use would tend to be submitted together for a more complete and comprehensive assessment. The applicant has chosen to submit a listed building application for all the works

required to facilitate the change of use proposal the Council previously refused and so we find ourselves in a situation where it is only possible to grant consent to certain works and not to others. Despite the applicant have pre-application discussions with our Conservation Officer concerning the listed building elements of the scheme only, the applicant has chosen not to engage with the local planning authority in relation to the change of use refusal and a potential resubmission. It is anticipated that the applicant will appeal the refused element of this application alongside their existing appeal (yet to be confirmed with an official start date).

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

- 9.1 It is understood from the supporting documentation that the Mill is generally structurally sound but is suffering gradual deterioration. The condition of the mill is a material consideration. Officers have therefore considered the applicant's proposals and have taken the view that the local planning authority could support various external works but not the proposed internal works and some external alterations such as the atrium light well at this time. Should Members support this approach, the recommendation is to issue a split decision; granting listed building consent for the external works and refusing consent for the internal works and atrium lightwell. This approach would enable the applicant to undertake certain external works to the listed building to prevent further deterioration to the fabric of the building should the applicant wish to and is able to do so. It is accepted that this may not be as easy as it sounds as funding the external works may be reliant on the securing a viable use for the building in order for the applicant to invest in the long-term conservation of the building. However, the granting of the external works would not prevent any delay (subject to conditions) if the applicant was in a position to undertake the works or had to undertake works in the interests of the safety of his property.
- 9.2 As noted above, securing a long-term sustainable end use for the mill is a matter to be determined via the relevant application/appeal for planning permission (change of use). Officers remain of the opinion that there is scope to develop the mill building which could still incorporate a proportion of student accommodation. What is not clear at this stage is whether or not the 107 student studios proposed under the recently refused change of use application (pending appeal), and the works proposed as part of this listed building application to facilitate the applicant's proposed change of use, is the only financially viable option for the building. Without understanding what the optimum viable use for the mill is (via the appeal or a resubmitted application for planning permission), the extent of internal works in particular the number of new partitions to be inserted, new ceilings, loss of floors structures to create the atrium and light well, would lead to harmful impacts. The statutory test set out in the 1990 Act seeks to avoid harm. This presumption against harm carries significant weight in the decision making process. Officers therefore contend that the internal elements (plus the atrium lightwell) proposed in advance of a proposed alternative use being adequately justified would have an adverse impact on the special architectural and historic character of the mill and would be considered contrary to policy DM30 of the DM DPD and paragraph 134 of the NPPF.
- 9.3 Members are recommended to approve listed building consent for external works (excluding the atrium lightwell) and refuse listed building consent for internal works and the atrium lightwell.

Recommendation

That a split decision is reached. In the first instance:

That Listed Building Consent for external works comprising removal of external lift and reinstating former openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, repairs to brickwork and repointing, repairs to main roof, replacement roof to lean-to extension and new rooflights to east elevation/main roof (excluding atrium lightwell), glazed porch extension, creation of external ramp and handrail and new security gate **BE GRANTED** subject to the following conditions:

1. LB time Limit
2. Insofar as it relates to the approved works listed above, the development be carried out in accordance with approved drawings
3. Precise LB details to be submitted and agreed with the LPA:

- Precise window construction details/sample including colour and finish
- Details of brick and stone cill/head samples to reinstated openings
- Precise details repair methods to brickwork and roof (including mortar and pointing samples and any new roof covering materials)
- Treatment of openings/infilled openings to retained WC tower
- Schedule of repair/restoration of lead hoppers and downpipes and details of any new rainwater goods
- Schedule of repair and works to the railings/wall and infill to west elevation (between Chapel Lane and Mill façade)
- Schedule of repairs to fire escape (including colour and finish)
- Schedule of repairs to chimney
- Details of any new or repairs to external doors
- Schedule of repair to water tank (including colour and finish)
- Full construction details of new roof to lean-to extension to east elevation (including materials, verge/eaves and rainwater good details)
- New rooflights (excluding atrium lightwell) to main roof and lean-to extension
- Notwithstanding the details submitted, full details of the glazed porch extension (including the insertion of two additional vertical glazing bars to south elevation)
- Precise details of the external security gate to the south elevation
- Precise details of external ramp including retaining and coping, handrail and glazing

4. Archaeological Recording

In the second instance:

That Listed Building Consent for internal and external works comprising the creation of atrium and light well, insertion of internal partition walls, insertion of ceilings, air conditioning/ventilation systems with associated flues/plant, new lift, staircase and internal ramp **BE REFUSED** for the following reasons:

- 1) The proposed works would result in unjustified alterations to the building which would have a harmful impact on the special architectural and historic character of the grade II listed mill and would be considered contrary to policy DM30 of the Development Management DPD and paragraph 134 of the NPPF. At this time there is insufficient justification that the proposed works required to the listed building to facilitate 107 student studio apartments and with ancillary communal facilities and museum, as shown on the submitted plans, is the optimum viable use of the building. Without such justification the local planning authority cannot conclude that the harm identified would be outweighed by the public benefits of the proposal, including securing its optimum viable use.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with Article 35 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.

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service with our Conservation Officer on specific listed building matters prior to submission, some elements of the resulting proposal are unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

There are other elements of the proposal that are acceptable and so Lancaster City Council can grant consent for such works. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

Human Rights Act

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

Background Papers

1. Reasons for refusal of previous applications 14/01048/LB and 14/00989/CU

BACKGROUND PAPER FOR ITEM A11

Reasons for Refusal of Application 14/01048/LB

REFUSAL OF LISTED BUILDING CONSENT

Application No. : 14/01048/LB

Applicant : Mr Ayub Hussain

Site Address : Galgate Mill Chapel Lane Galgate Lancashire LA2 0PR

Proposal : Listed building application for works to the Mill including replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance, safety door and access ramp, repairs and relocation of railings to pavement, various internal works to false ceilings, partitions, steps/staircases and flooring, partial removal of external rear fire escape and removal of external lift

Lancaster City Council hereby give notice that **LISTED BUILDING CONSENT HAS BEEN REFUSED** for the works set out in the application dated 1 October 2014, and described above for the following reasons:-

1. Insufficient and inaccurate information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed and details relating to the retention of internal and external industrial features. In the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. From the information provided, the proposal would lead to substantial harm caused by the over-sub-division of the open-plan space. In the absence of a positive planning decision for the re-use of the mill to provide student accommodation, there is little benefit to the mill to outweigh this harm. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.

ARTICLE 31 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER

Please see the attached statement which forms part of your decision notice.

Signed:



Date: 7 January 2015

Andrew Dobson Dip EP MRTPI PDDMS
CHIEF OFFICER (REGENERATION & PLANNING)

Your attention is drawn to the notes to be read in conjunction with the notice of decision. A copy can be downloaded from <http://www.lancaster.gov.uk/documents/planning/decnotes.pdf>

Reasons for Refusal of Change of Use Application 14/00989/CU

REFUSAL OF PLANNING PERMISSION FOR A CHANGE OF USE

Application No. : 14/00989/CU

Applicant : Mr Ayub Hussain

Site Address : Galgate Mill Chapel Lane Galgate Lancashire LA2 0PR

Proposal : Change of use, conversion and alterations of a mixed use showroom/warehouse with associated storage and office accommodation into 107 student studio apartments (use class C3) with associated communal facilities, a silk weaving museum (D1), cafe (A3), erection of a bicycle shelter and porch extension

Lancaster City Council hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the change of use set out in the application dated 15 September 2014, and described above for the following reasons:-

1. The proposal will result in the loss of employment land within the rural area without it being demonstrated that securing employment use of the site is no longer appropriate or viable. It is also not considered that the benefits of the proposal would outweigh this loss and would therefore not lead to a sustainable form of development. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 3, Saved policy EC16 of the Lancaster District Local Plan, Policy SC1 of the Core Strategy and Policy DM15 of the Development Management Development Plan Document.
2. Insufficient and inaccurate information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed and evidence to demonstrate the proposal is the optimum viable use for the building. In the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. Furthermore, it is considered that from the information provided that the proposal would lead to some less than substantial harm to the building itself, such as the internal partitions, and harm to the setting of the listed building by virtue of the location and size of the proposal cycle storage facility and that the public benefits of the scheme would not outweigh the harm to the heritage asset when considered on balance with all the other concerns relating to the proposal. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.
3. The level of parking proposed for a development of this scale and kind in a location that suffers congestion and on-street parking and where access to alternative parking provision is unavailable, is likely to lead to increased on-street parking thereby exacerbating existing parking and congestion problems in the village, Chapel Lane and Hazelrigg Lane to the detriment to public safety and the operation of the local highway network. The lack of cycle parking provision and the inappropriately located cycle store would not overcome these concerns and would further discourage future occupants from choosing to use more sustainable transport modes, such as cycling. Subsequently, the proposed development is considered contrary to paragraphs 17 and 32 of the National Planning Policy Framework and policies DM35, DM20, DM22, DM46 and appendix D of the Development Management Development Plan Document.

4. The proposal will result in an unacceptable and poor standard of accommodation for a significant number of the studio apartments proposed in terms of the level of natural light and outlook that will be available to future occupants of the accommodation to the detriment of their amenity. Furthermore, the applicant has failed to provide sufficient evidence to convince the local planning authority that residential development physically adjoining and sitting adjacent to unrestricted industrial uses is appropriate or that sufficient, appropriate and practical refuse storage can be provided for a proposal of this scale. The proposal is therefore contrary to paragraph 17 and 123 of the National Planning Policy Framework and policies DM35 and DM46 and appendices D and F of the Development Management Development Plan Document.

ARTICLE 31 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER

Please see the attached statement which forms part of your decision notice.

ADVICE

The Local Planning Authority wish to encourage the applicant to engage with the Development Management team and enter into pre-application discussions to resolve the reasons for refusal through additional information / amended plans.

Signed:



Date: 7 January 2015

Andrew Dobson Dip EP MRTPI PDDMS
CHIEF OFFICER (REGENERATION & PLANNING)

Your attention is drawn to the notes to be read in conjunction with the notice of decision. A copy can be downloaded from <http://www.lancaster.gov.uk/documents/planning/decnotes.pdf>

<p>Agenda Item A12</p>	<p>Committee Date 5 June 2015</p>	<p>Application Number 15/00310/CU</p>
<p>Application Site 92 Clarendon Road West Morecambe Lancashire LA3 1SD</p>	<p>Proposal Change of use of ground floor shop (A1) to one 2-bed flat (C3) and additional residential accommodation for one of the existing first floor flats, removal of existing shop front and construction of two replacement bay windows</p>	
<p>Name of Applicant Mr A. Scotucci</p>	<p>Name of Agent Building Plan Services</p>	
<p>Decision Target Date 28 May 2015</p>	<p>Reason For Delay Committee Cycle</p>	
<p>Case Officer</p>	<p>Mrs Kim Ireland</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval</p>	

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant is a close relative to an employee of Lancaster City Council and as such the proposal must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 The property which forms the subject of this application relates to a three storey end terrace located on Clarendon Road West in Morecambe. The surrounding area mainly consists of terrace properties with a small number of commercial and community properties which include a hot food takeaway and West End Primary School. The property is also just over 100m away from Regent Road, which is the centre of the West End of Morecambe.

1.2 The site is unallocated in the Lancaster District Local Plan.

2.0 The Proposal

2.1 The application proposes the change of use of the existing shop to the ground floor to a one two-bedroom flat and additional residential accommodation to the existing first floor flat which includes the removal of the existing shop front and construction of two replacement bay windows.

3.0 Site History

3.1 There is no relevant planning history related to this application.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No observations made
City Contract Services	No observations made
County Highways	No objections
Strategic Housing Policy Officer	No observations made
Fire Safety Officer	No objections

5.0 Neighbour Representations

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

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 - 12 Core Principles

Paragraphs 14 – Presumption in Favour of Sustainable Development Criteria

6.2 Development Management DPD

DM35 – Key design principles

DM44 – Residential Conversions

Appendix E: Flat Conversions

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable development

SC2 – Urban construction

SC4 – Meeting the District's Housing Requirements

7.0 Comment and Analysis

7.1 The key material considerations arising from this proposal are:

- Principle of Development
- Design and Impact on Character of the Area
- Standards of Accommodation
- Residential Amenity
- Highway Implications
- Affordable Housing Contribution

7.2 Principle of Development

The site is located within Morecambe, in a predominantly residential area and is therefore in a sustainable location where new residential development is encouraged. It does not appear to have been used as a shop for some time and this part of Morecambe is not a protected retail frontage. The conversion to residential accommodation will provide a use for this building.

7.3 Design and Impact on Character of the area

The proposed change of use will include the removal of the existing shopfront with two replacement bay windows that will be installed below the existing bay windows to the first floor of the south elevation. The proposed works to facilitate the change of use will change the appearance of the property. However, the principle of the changes is acceptable and a condition will be applied to the permission to ensure that the materials proposed to be used are in keeping with the existing property and reflect that of the surrounding properties when viewed from within the street scene. The proposed works have been designed so that they will not be out of character and in proportion to the existing property and is not thought to have any adverse implications to the area.

7.4 Standards of Accommodation

The accommodation for the 2-bed flat has been laid out with a kitchen, lounge, bathroom and two bedrooms to the ground floor with access from the existing entrance from Devonshire Road used by the existing first floor flat. The additional accommodation for the existing first floor flat has been laid out with a lounge, dining room and kitchen to the ground floor, three bedrooms and a bathroom to the first floor with access from the existing entrance from Clarendon Road West. A revised plan was sought to provide details of bin and cycle storage which was subsequently received. It shows the rear yard area providing bin and cycle storage for the 2-bed flat.

7.5 Residential Amenity

The proposed development is not seen to have any adverse or detrimental implications upon the residential amenity. The property is overlooked by a number of properties, as it is a corner plot. However, the proposed works are to install two bay windows, which will be in keeping with the surrounding properties and therefore will have minimal impact to the street scene. The two bay windows are to be installed into the south elevation that will look towards numbers 93 Clarendon Road West and 31 Devonshire Road, but as the property is approximately 17m away across a highway (similar to other separation distances across roads within this built up part of Morecambe), it does not raise any overlooking issues.

7.6 Highway Implications

No parking is proposed as part of this application. There are traffic regulation orders in the immediate vicinity of the development. However, the demand for parking for 2 residential units compared to a retail unit and one residential unit is likely to be similar and as such any additional parking pressures due to the influence of the development are unlikely to have a significant effect on the surrounding highway network. County Highways has raised no objections to the proposal.

7.7 Affordable Housing Contribution

The property is located within the West End Masterplan Area and the Housing Needs SPD sets out that a contribution to affordable housing by way of a financial contribution will not be required due to the low property values in this area. The proposal will also result in the reuse of an unoccupied building and has been designed so that it is in keeping with other properties in the surrounding area. The proposal also falls below the threshold (11 or more units) set by NPPG for affordable housing contributions.

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 change of use of the existing shop to the ground floor to a two-bedroom flat and additional residential accommodation to the existing first floor flat which includes the removal of the existing shop front and construction of two replacement bay windows has been found acceptable in terms of design, impact of character of area and amenities of local residents. In respect of these matters, it is in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

Recommendation

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

1. Standard 3 year timescale
2. Development in accordance with approved plans
3. The bin and cycle storage provision shall be carried out in accordance with the submitted plan drawing reference: 01/0215/S01 received 20/05/15
4. Materials to be agreed

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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 5 June 2015</p>	<p>Application Number 15/00565/FUL</p>
<p>Application Site 48 Branksome Drive Morecambe Lancashire LA4 5UL</p>	<p>Proposal Erection of single storey side and rear extension and access ramp</p>	
<p>Name of Applicant Mr T Greenwood</p>	<p>Name of Agent Mr Anthony Dalby</p>	
<p>Decision Target Date 3 July 2015</p>	<p>Reason For Delay N/A</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 Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, the property is in the ownership of Lancaster City Council, and as such the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The application property is a two-storey dwelling with a small flat-roofed single storey outbuilding to the rear. The property occupies the western end of a terraced row of four within the Branksome Estate in Morecambe. The property has dash rendered walls under a tiled pitched roof with white upvc windows and doors. There is a drive to the front of the property and a substantial hedge boundary to the front. A timber panel fence separates the front drive from the rear garden area and a similar fence forms the boundary with the neighbouring dwelling to the west.
- 1.2 Surrounding dwellings are of a similar age, form and construction to that of the subject property. Many properties have front and side driveways which provide off-street parking. The area is generally low lying and fairly flat.
- 1.3 The application site is unallocated within the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 The application proposes the erection of single storey pitched roof extension to the side and rear of the property to provide an accessible bedroom and shower for the current tenants. The development will project 4m from the side elevation and will have a maximum ridge height of 4m. An access ramp is also proposed to the front of the property.

3.0 Site History

- 3.1 There is no site history associated with this property.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received at the time of compiling this report, any observations received will be reported verbally to Members at Committee.

5.0 Neighbour Representations

5.1 No comments received at the time of compiling this report. Any observations received will be reported verbally.

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

Paragraphs 7, 12, 14, 17 – Sustainable Development and Core Principles
Paragraphs 56-64 – Good Design

6.2 Lancaster District Development Management DPD

Policy DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The key material considerations arising from this proposal are:

- General design and street scene impacts
- Impacts on residential amenity

7.2 General Design and Street Scene Impacts

7.2.1 The proposed ramp will occupy a small area to the front of the property and will have a maximum height of approximately 0.4m. This element of the scheme will not be highly visible within the streetscene and will allow the occupant ease of access to the dwelling.

7.2.2 The proposed extension will be set back 3m from the front elevation and will project 2m beyond the rear elevation following the demolition of the existing flat roofed outbuilding. The pitched roof of the rear projection will run into the rear roof slope of the pitched roof side extension. The front and rear elevations will contain windows to serve a bedroom and bathroom and the development will be finished in materials to match the existing dwelling. Off-street parking will be unaffected by the scheme and it is considered that the single storey nature of the proposal and use of matching materials will harmonise the development with the existing property and surrounding streetscene.

7.3 Impacts on Residential Amenity

7.3.1 It is considered that due to the location of neighbouring dwellings, the position of windows and intervening boundary treatments, the development will not detrimentally impact residential amenity. The development will improve the residential amenity of the occupants.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 It is considered that the development provides an opportunity to enable the current occupants to maintain living in the family home and it is concluded that the proposed extension is acceptable in terms of design and the amenities of neighbouring residents. In respect of these matters, the development is in compliance with the relevant Development Plan policies and guidance provided

in the NPPF. Members are therefore advised that application can be viewed favourably. Providing no adverse comments are received raising material considerations previously not assessed in respect of the scheme a decision can be issued on 7 June following the expiration of the statutory consultation period.

Recommendation

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

1. Standard time limit
2. Development in accordance with approved plans
3. Materials to match existing

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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
14/00172/DIS	Tewitfields Trout Fishery, Burton Road, Warton Discharge of conditions 6, 7, 11, 12, 13, 15, 16, 18, 22, 23, 24, 26, 27, 28 and 31 on approved application 11/00348/CU for Lodgequest Developments Ltd (Warton Ward)	Request Completed
14/00498/FUL	31 Sizergh Road, Morecambe, Lancashire Erection of a single storey rear extension to replace existing conservatory for Mrs S. Arkwright (Bare Ward)	Application Permitted
14/01100/CU	Condergarth, Kit Brow Lane, Ellel Part retrospective application for the change of use of existing redundant agricultural building to agricultural fabrication business with associated parking and change of use of two residential dwellings to offices for Mr Ken Drinkwater (Ellel Ward)	Application Withdrawn
14/01108/FUL	Land Adjacent To 27 Mill Lane, Halton, Lancashire Erection of 3 dwellings for Miss Holly Catterall (Halton With Aughton Ward)	Application Permitted
14/01125/FUL	Lower House Farm, Park House Lane, Wray Part retrospective application for the erection of a double polytunnel and erection of two polytunnels and a shed for Miss Rebecca Dobson (Lower Lune Valley Ward)	Application Permitted
14/01195/FUL	Seaways, The Shore, Hest Bank Demolition of the existing dwelling and construction of a replacement dwelling for Mr Hiten Mehta (Bolton and Slyne Ward)	Application Permitted
14/01218/LB	40-42 King Street, Lancaster, Lancashire Listed building application for the retention of windows to upper floors of King Street front (east) elevation and whole of rear (west) elevation for Mr John Sanderson (Castle Ward)	Application Refused
14/01270/CU	Chipping Road Barn, Chipping Lane, Bay Horse Retrospective application for the change of use of land from domestic curtilage to agricultural contracting business and erection of building in association with this use (resubmission of 11/00143/FUL) and erection of extension to existing building. for Mr James Gardner (Ellel Ward)	Application Permitted
14/01307/FUL	The Winter Gardens, Marine Road Central, Morecambe Creation of a fenced enclosure, the siting of a mobile toilet unit, installation of two external heaters to the east elevation and an oil tank in former substation for Mrs Evelyn Archer (Poulton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

14/01308/LB	The Winter Gardens, Marine Road Central, Morecambe Listed building application for the creation of a fenced enclosure for the siting of a mobile toilet unit, installation of two external heaters to the east elevation and an oil tank in former substation, creation of an opening in east wall for heating duct with suspension cables to ceiling and creation of hole in the north wall of former substation for fuel pipe for Mrs Evelyn Archer (Poulton Ward)	Application Permitted
15/00015/FUL	55 Poulton Road, Morecambe, Lancashire Construction of a dormer to rear elevation for Mr T. McMeeking (Poulton Ward)	Application Permitted
15/00018/DIS	Tramway Hotel , 127 St Leonards Gate, Lancaster Discharge of conditions 3, 4, 7 and 8 on approved application 14/00803/CU for Mr Mustaq Mister (Bulk Ward)	Initial Response Sent
15/00019/FUL	19 Main Street, Warton, Carnforth Erection of a detached garage to the side and excavation of garden levels for Mr CA Robinson (Warton Ward)	Application Permitted
15/00022/DIS	Aldi Food Stores Ltd, Scotland Road, Carnforth Discharge of conditions 7, 9, 12, 14, 19 and 26 on approved application 13/00217/FUL for Mr Bryn Richards (Carnforth and Millhead Ward)	Request Completed
15/00029/DIS	Street Record, Chatsworth Road, Morecambe Discharge of conditions 3, 4 and 5 on application 13/01237/FUL for Mr David Skidmore (Harbour Ward)	Initial Response Sent
15/00036/DIS	St Georges Quay Development Site, St Georges Quay, Lancaster Discharge of conditions 3, 4, 5, 12, 13, 18, 20 and 28 on planning permission 14/01186/VCN for Mr Daniel Golland (Castle Ward)	Initial Response Sent
15/00038/DIS	The Castle, Castle Park, Lancaster Discharge of conditions 5 and 16 and part discharge of condition 17 on planning permission 14/01091/LB for Mr Graeme Chalk (Castle Ward)	Application Permitted
15/00040/DIS	Land Rear Of 85, Main Road, Bolton Le Sands Discharge of conditions 3, 9, 11 and 12 on approved application 15/00027/FUL for Dr Barbara Maher (Bolton Le Sands Ward)	Application Permitted
15/00042/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 26 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Emma Heywood (Overton Ward)	Request Completed
15/00048/DIS	Lancaster Castle, Castle Park, Lancaster Discharge of conditions 1, 2, 3, 4 and 5 on approved application 14/01331/LB for Mr Graeme Chalk (Castle Ward)	Request Completed
15/00051/DIS	3 Castle Hill, Lancaster, Lancashire Discharge of conditions 3 and 4 on planning permission 14/00204/CU for Mr Rob Morrish (Castle Ward)	Initial Response Sent

LIST OF DELEGATED PLANNING DECISIONS

15/00053/DIS	Manor House Cottage, Quarry Road, Halton Discharge of conditions 3 and 4 on planning permission 14/00891/FUL for Mr And Mrs John Crossley (Halton With Aughton Ward)	Initial Response Sent
15/00054/DIS	Manor House Cottage, Quarry Road, Halton Discharge of conditions 3 and 4 on planning permission 14/00892/LB for Mr And Mrs John Crossley (Halton With Aughton Ward)	Initial Response Sent
15/00059/FUL	17 Stoney Lane, Galgate, Lancaster Retrospective application for the erection of a single storey rear extension for Mr Kevin Clarke (Ellel Ward)	Application Permitted
15/00060/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 28 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Application Withdrawn
15/00067/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 22, Phase 1 and 2 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00073/DIS	Pre School Centre And Baby Unit, University Of Cumbria, Bowerham Road Discharge of conditions 8, 11 and 12 on planning permission 15/00038/FUL for Mrs Philippa Perks (John O'Gaunt Ward)	Request Completed
15/00074/DIS	Lunch Hut, Rakehouse Brow, Abbeystead Discharge of condition 3 on planning permission 14/00353/FUL for Grosvenor Estate (Elle Ward)	Request Completed
15/00083/FUL	Hillam Lane Farm, Hillam Lane, Cockerham Erection of an agricultural storage building for Mr C Parry (Ellel Ward)	Application Permitted
15/00130/FUL	7 Middlegate, White Lund Estate, Morecambe Erection of a concrete batching plant, siting of a portable office cabin, construction of storage bays and 5 parking spaces for Mr Ben Mitchell (Westgate Ward)	Application Permitted
15/00154/FUL	342 Heysham Road, Heysham, Morecambe Erection of a single storey rear conservatory for Mr J. Holding (Heysham Central Ward)	Application Permitted
15/00159/CU	93 Penny Street, Lancaster, Lancashire Change of use of retail unit (A1) to hot food takeaway (A5) and installation of a flue for Mr & Mrs Patel (Castle Ward)	Application Permitted
15/00173/FUL	198 Brookhouse Road, Brookhouse, Lancaster Erection of a single storey rear extension for Mr & Mrs S. Whittaker (Lower Lune Valley Ward)	Application Permitted
15/00177/FUL	15 Grasmere Road, Lancaster, Lancashire Erection of a part two storey and part single storey rear extension for Mr David French (Bulk Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00180/FUL	15 Bay View, Over Kellet, Carnforth Erection of a single storey side and rear extension at lower ground floor level with balcony over at ground floor level for Mr & Mrs Ian Bentham (Kellet Ward)	Application Permitted
15/00181/CU	4 Portland Place, Aldcliffe Road, Lancaster Change of use of dwellinghouse (C3) to 8-bed shared student accommodation house (Sui Generis) and excavation of land to front to provide light wells to basement accommodation for Mr J Park (Castle Ward)	Application Refused
15/00188/FUL	Redfields, Wyresdale Road, Quernmore Erection of an agricultural livestock building for Mr Anthony Gardner (Lower Lune Valley Ward)	Application Permitted
15/00190/FUL	172 Coastal Road, Bolton Le Sands, Carnforth Demolition of existing porch and erection of a new porch to front elevation, erection of first floor extension over existing garage to rear and construction of a rear raised balcony for Mr J. Gillespie (Bolton and Slyne Ward)	Application Permitted
15/00192/FUL	27 Schoolhouse Lane, Halton, Lancaster Erection of a single storey rear extension for Mr And Mrs Maunders (Halton With Aughton Ward)	Application Permitted
15/00193/FUL	Red Bridge, Moss Lane, Silverdale Demolition of existing agricultural buildings and erection of a detached dwelling for Mr E Pelter (Silverdale Ward)	Application Refused
15/00196/FUL	54 Quernmore Road, Caton, Lancaster Erection of a 2 storey rear extension, construction of a porch to the front elevation and raising the existing roof for Mr Adrian Twiname (Lower Lune Valley Ward)	Application Permitted
15/00200/FUL	12 Gressingham Drive, Lancaster, Lancashire Demolition of existing outbuilding and erection of a two storey side extension for Mr S Carr (Scotforth East Ward)	Application Permitted
15/00203/FUL	22 Chapel Lane, Overton, Morecambe Retrospective application for the erection of a detached garage to the rear for Miss Carolyn Burke (Overton Ward)	Application Permitted
15/00204/FUL	5 Windermere Road, Lancaster, Lancashire Demolition of rear extension and erection of a single storey rear extension for Ms Marlene Phillips (Bulk Ward)	Application Permitted
15/00207/FUL	Land Attached To 2 St Nicholas Lane, Bolton Le Sands, Carnforth Erection of a single storey detached one-bedroom dwelling for Mr N Berry (Bolton Le Sands Ward)	Application Refused
15/00209/FUL	Highcroft, Bottoms Lane, Silverdale Erection of a porch to the front elevation and a detached garage to the side for Mr & Mrs T Bond (Silverdale Ward)	Application Permitted
15/00211/FUL	Walnut Tree Cottage, Back Lane, Gressingham Erection of an extension to existing garage for Mr Martin Brooks (Upper Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00213/FUL	9 Summersgill Road, Lancaster, Lancashire Erection of a two storey side and rear extension for Mr Graham Chapman (Skerton West Ward)	Application Permitted
15/00214/CU	14 Middlegate, White Lund Estate, Morecambe Change of use of storage unit (B8) to private ambulance liaison service (Sui Generis) for Mr J Smith (Westgate Ward)	Application Permitted
15/00219/LB	22 Castle Park, Lancaster, Lancashire Listed Building Application for fitting of metal handrails to front entrance for Mr Rodney Ward (Castle Ward)	Application Permitted
15/00220/FUL	Stock A Bank Plantation, Littledale Road, Quernmore Erection of a detached storage building for agricultural implements and feed for Mr & Mrs Richard Ainley (Lower Lune Valley Ward)	Application Permitted
15/00221/FUL	49 Fell View, Caton, Lancaster Erection of a two storey rear extension for Mr & Mrs L. Moss (Lower Lune Valley Ward)	Application Permitted
15/00222/FUL	10 Penny Street, Lancaster, Lancashire Installation of a new shop front for Mr Paul Mansell (Castle Ward)	Application Permitted
15/00224/FUL	64 Lymm Avenue, Lancaster, Lancashire Erection of a two storey side extension and installation of a disabled access ramp to front for Mr & Mrs A. Metcalfe (Skerton West Ward)	Application Permitted
15/00225/CU	Ridgeway Park, Lindeth Road, Silverdale Change of use of former summerhouse from use class C2 (residential institution) to C3 (dwelling house), erection of conservatory extension, formation of domestic curtilage and erection of a replacement garden shed for Mr Brian Smith (Silverdale Ward)	Application Permitted
15/00226/FUL	5 Westfield Hamlet, Nether Kellet, Carnforth Erection of a single storey rear extension for Mr A Wilkinson (Kellet Ward)	Application Refused
15/00227/LB	5 Westfield Hamlet, Nether Kellet, Carnforth Listed building application for the erection of a single storey rear extension for Mr A Wilkinson (Kellet Ward)	Application Refused
15/00228/FUL	9 Williamson Road, Lancaster, Lancashire Demolition of existing single storey rear extension and erection of a replacement single storey rear extension for Mr Jim Bacon (Bulk Ward)	Application Permitted
15/00230/PAM	Middleton Way, Heysham, Lancashire Prior approval application for the installation of 12m smart metering street-works pole with 1 antenna, 1 equipment cabinet and 1 meter cabinet for Arqiva (Heysham South Ward)	Prior Approval Not Required
15/00233/FUL	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Demolition of existing gym hall and erection of replacement gym hall building for Ripley St Thomas Church Of England Academy (Scothforth West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00234/LB	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Listed building application for demolition of existing gym hall and erection of replacement gym hall building for Ripley St Thomas Church Of England Academy (Scotforth West Ward)	Application Permitted
15/00235/FUL	27 Somerset Avenue, Lancaster, Lancashire Erection of a single storey rear extension for Mr K Bishop (Scotforth West Ward)	Application Permitted
15/00236/FUL	Pine Lake Resort, Scotland Road, Warton Erection of a single storey extension to existing leisure centre for Mr Stuart Hunter (Warton Ward)	Application Permitted
15/00240/PLDC	48 Rutland Avenue, Lancaster, Lancashire Proposed Lawful Development application for the erection of rear dormer and single storey extension for Mr & Mrs R Garlick (Scotforth East Ward)	Application Permitted
15/00244/FUL	Rayrigg Motors, Northgate, White Lund Estate Erection of a block of five garages for Rayrigg Motors (Westgate Ward)	Application Permitted
15/00245/FUL	Lancaster City FC, The Giant Axe, West Road Retrospective application for demolition of lean-to extension and erection of a single storey rear extension to Pavilion for Lancaster City Football Club (Marsh Ward)	Application Permitted
15/00246/FUL	22 Storey Avenue, Lancaster, Lancashire Demolition of existing utility room and erection of a single storey rear extension for Mr & Mrs I. Myles (Marsh Ward)	Application Permitted
15/00251/ADV	10 Penny Street, Lancaster, Lancashire Advertisement consent for the display of an externally illuminated fascia sign and a non illuminated hanging sign for Mr Paul Mansell (Dukes Ward)	Application Permitted
15/00252/PLDC	20 Arncliffe Road, Heysham, Morecambe Proposed lawful development application for the construction of a hip to gable roof extension and extension to existing rear dormer for Mr & Mrs M. Brown (Heysham Central Ward)	Application Permitted
15/00253/FUL	2 Burford Drive, Heysham, Morecambe Construction of a 2 metre high boundary fence for Mr Michal Kwiecinski (Heysham South 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 Permitted
15/00258/FUL	64 Marine Drive, Hest Bank, Lancaster Demolition of existing garage, erection of a two storey side extension with integral garage and erection of front and rear single storey extensions for Miss Elisa Bellwood (Bolton with Slyne Ward)	Application Permitted
15/00260/FUL	Land Adjacent Spring Bank Lane , Lancaster, Lancashire Erection of 2-storey student accommodation comprising a 5-bed cluster flat (Use Class C4) for Mr Richard Dow (Scotforth West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00262/ADV	14 - 18 Cheapside, Lancaster, Lancashire Advertisement application for the display of a non-illuminated fascia sign and externally illuminated hanging sign for Mr Andrew Gill (Castle Ward)	Application Permitted
15/00263/FUL	3 The Green, Silverdale, Carnforth Erection of a detached outbuilding for Mr J Bennett (Silverdale Ward)	Application Permitted
15/00264/LB	3 The Green, Silverdale, Carnforth Listed building application for the blocking up of existing garage door for Mr J Bennett (Silverdale Ward)	Application Permitted
15/00276/LB	21 Castle Hill, Lancaster, Lancashire Listed building application for the fitting of a non-illuminated sign to the exterior wall and alterations to front door for Mr Bargh (Castle Ward)	Application Permitted
15/00279/PLDC	98 Dorrington Road, Lancaster, Lancashire Proposed lawful development certificate for the demolition of an existing rear extension and the erection of a single storey rear extension for Mr & Mrs Smith (Scotforth West Ward)	Application Permitted
15/00282/FUL	135 Heysham Road, Heysham, Morecambe Installation of a roller shutter to the front elevation for Mr Paul Pickering (Heysham North Ward)	Application Permitted
15/00283/FUL	The Caulking House, Main Street, Arkholme Installation of a septic tank for Mr J Curnow (Kellet Ward)	Application Permitted
15/00284/FUL	Holcombe House, High Road, Tatham Erection of porch to the rear elevation for Mr & Mrs Richard and Anne Wilson (Lower Lune Valley Ward)	Application Permitted
15/00286/FUL	136 Brookhouse Road, Brookhouse, Lancaster Erection of a single storey rear extension, construction of a porch to the front elevation, demolition of existing garage and erection of a replacement outbuilding for David Exton (Lower Lune Valley Ward)	Application Permitted
15/00288/FUL	Cinderbarrow Farm, Cinderbarrow Lane, Yealand Redmayne Erection of a milking parlour building and collection yard for Mr Richard Clarke (Silverdale Ward)	Application Permitted
15/00289/FUL	23 Westover Road, Warton, Carnforth Erection of a single storey side/rear extension for Mr Roger Palmer (Warton Ward)	Application Permitted
15/00290/FUL	Cinderbarrow Farm, Cinderbarrow Lane, Yealand Redmayne Erection of an extension to cattle building for Mr Richard Clarke (Silverdale Ward)	Application Permitted
15/00292/FUL	35 St Oswald Street, Lancaster, Lancashire Construction of a dormer window to the front elevation for Mr Peter Mercer (John O'Gaunt Ward)	Application Permitted
15/00293/CCC	234 Bowerham Road, Lancaster, Lancashire Erection of a new children's residential home for Mr Justin Rawcliffe (Scotforth East Ward)	No Objections

LIST OF DELEGATED PLANNING DECISIONS

15/00301/FUL	2 Glen View Avenue, Heysham, Morecambe Demolition of existing garage and single storey rear and side extensions, and erection of a 2 storey side and rear extension incorporating a balcony to the rear elevation and widening the existing access for Mr Mike Whitbread (Heysham South Ward)	Application Permitted
15/00303/PLDC	32 Browsholme Close, Carnforth, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mrs Clare Jackson (Carnforth and Millhead Ward)	Application Permitted
15/00306/FUL	31 Morecambe Road, Morecambe, Lancashire Demolition of garage and erection of a single storey extension to side and rear for Mr & Mrs D. Blacow (Torrisholme Ward)	Application Permitted
15/00308/PLDC	20 Rushley Mount, Hest Bank, Lancaster Proposed lawful development application for the construction of a rear dormer for Mr G.M. Parkinson (Carnforth and Millhead Ward)	Application Permitted
15/00309/FUL	26 - 28 Victoria Street, Morecambe, Lancashire Installation of replacement windows and door to front and side elevation for A1 Barbers (Poulton Ward)	Application Permitted
15/00311/FUL	34 Prospect Drive, Hest Bank, Lancaster Erection of a first floor extension over existing garage and kitchen for Mr & Mrs P. Finnigan (Slyne With Hest Ward)	Application Permitted
15/00320/FUL	Silver Mist, 16 Wallings Lane, Silverdale Erection of a greenhouse for Dr Roger Dickinson (Silverdale Ward)	Application Permitted
15/00321/PLDC	5 Long Acre Close, Carnforth, Lancashire Proposed lawful development certificate for the erection of 2 detached outbuildings for Mr Andrew Cuthbertson (Carnforth and Millhead Ward)	Application Permitted
15/00325/FUL	62 Norwood Drive, Morecambe, Lancashire Erection of a single storey rear and side extensions for Mr & Mrs R. Bright (Torrisholme Ward)	Application Permitted
15/00327/PLDC	66 Dorrington Road, Lancaster, Lancashire Proposed lawful development application for the erection of a single storey rear extension for Mr & Mrs J. Williamson (Scotforth West Ward)	Application Permitted
15/00331/AD	Dunroaming, Vicar Lane, Melling Agricultural determination for the erection of an agricultural storage building for Mr John Dugdale (Upper Lune Valley Ward)	Prior Approval Not Required
15/00335/FUL	Fell Acre , Littlefell Lane, Lancaster Erection of a single storey link extension to the front elevation for Mr Christopher Workman (University and Scotforth Rural Ward)	Application Permitted
15/00350/ADV	John Wilding Car Dealership, 1 Middlegate, White Lund Estate Advertisement application for the display of 3 internally illuminated fascia signs, 1 internally illuminated entrance statement, 1 internally illuminated monumental sign, 1 non illuminated freestanding sign, 1 directional sign and 2 parking signs for Toyota (Westgate Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00364/PLDC	24 Lonsdale Place, Lancaster, Lancashire Proposed Lawful Development certificate for the erection of a detached garage/utility room for Mrs K Bancroft (Scotforth West Ward)	Application Permitted
15/00394/NMA	Land Rear Of 85, Main Road, Bolton Le Sands Non-material amendment to approved application 15/00027/FUL for the addition of French windows to the south elevation, alterations and additions to side windows and resiting of living room north wall for Dr B Maher (Bolton Le Sands Ward)	Application Permitted
15/00395/PLDC	18 Beech Avenue, Galgate, Lancaster Proposed lawful development certificate for the demolition of existing conservatory and erection of a single storey for Mr Terence Eccles (Ellel Ward)	Application Permitted
15/00397/AD	Wrampool House, Gulf Lane, Cockerham Agricultural determination for the creation of new road for Mr J Bradshaw (Ellel Ward)	Prior Approval Not Required
15/00428/NMA	55 Vale Road, Lancaster, Lancashire Non-material amendment to planning permission 14/01175/FUL to infill side path under proposed first floor extension and relocation of ground floor window for Mr & Mrs W Rollands (Skerton East Ward)	Application Permitted
15/00443/FUL	28 Hyde Road, Morecambe, Lancashire Erection of a two storey side and rear extension for S Bryan (Torrisholme Ward)	Application Permitted
15/00465/PLDC	21 Betony, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey side and rear extension for Mrs L. Catlow (Bare Ward)	Application Permitted
15/00472/PLDC	1 Bay Horse Drive, Lancaster, Lancashire Proposed lawful development certificate for the demolition of existing single storey rear extension and erection of a replacement single storey rear extension for Mr Michael Gardner (Scotforth East Ward)	Application Permitted
15/00526/CCC	St Pauls C E School, Scotforth Road, Lancaster Installation of 1m high bow top railing to front of school for The Governors Of Scotforth (Scotforth West Ward)	No Objections
15/00547/NMA	Luneside West Development Site, Thetis Road, Lune Business Park Non-material amendment on planning permission 10/00660/FUL to amend the approved roof tile on plots 1-10, 62-71 and 116-127 (32 plots) for Redrow Homes Ltd (Marsh Ward)	Application Permitted
15/00548/NMA	Luneside West Development Site, Thetis Road, Lune Business Park Non-material amendment on planning permission 14/01204/FUL to amend the approved roof tile on plots 17 to 44 for Mr Jermaine Barrett (Marsh Ward)	Application Permitted