



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 27 JULY 2015

**Venue:** LANCASTER TOWN HALL

**Time:** 10.30 A.M.

## A G E N D A

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

### 1 Apologies for Absence

### 2 Minutes

Minutes of meeting held on 5 June 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	<b>A5 14/01344/OUT</b>	<b>Land South of, Low Road, Halton</b>	<b>Halton-with-Aughton Ward</b>	<b>(Pages 1 - 16)</b>
		Outline application for the development of 60 dwellings with associated access for Mr F Towers		
6	<b>A6 15/00096/FUL</b>	<b>Land Adjacent to J E Clarke, Agricultural Buildings, Melling Road, Melling</b>	<b>Upper Lune Valley Ward</b>	<b>(Pages 17 - 23)</b>
		Erection of an agricultural workers dwelling with creation of access and raised patio area for JE and AC Clarke		
7	<b>A7 15/00294/CU</b>	<b>Pharmacy, Heysham Health Centre, Middleton Way, Heysham</b>	<b>Heysham South Ward</b>	<b>(Pages 24 - 29)</b>
		Change of use of pharmacy (D1) to foodstore (A1), recladding existing elevations, erection of an extension to the front and side elevations, creation of additional parking and associated landscaping works for ML (Heysham) Limited		
8	<b>A8 15/00238/OUT</b>	<b>Woodburn Farm, 52 Low Road, Middleton</b>	<b>Overton Ward</b>	<b>(Pages 30 - 35)</b>
		Outline application for the demolition of existing farm buildings and erection of 9 dwellings for Mr and Mrs W, Mr and Mrs P, Mr and Mrs F and Mr J Mashiter		
9	<b>A9 15/00425/FUL</b>	<b>Grasscroft, Borwick Avenue, Warton</b>	<b>Warton Ward</b>	<b>(Pages 36 - 43)</b>
		Erection of three dwellings with garages and associated access and landscaping for Mr Julian Stainton		



<p>Agenda Item A5</p>	<p>Committee Date 27 July 2015</p>	<p>Application Number 14/01344/OUT</p>
<p><b>Application Site</b>  Land South Of Low Road Halton Lancashire</p>	<p><b>Proposal</b>  Outline application for the development of 60 dwellings with associated access</p>	
<p><b>Name of Applicant</b>  Mr F Towers</p>	<p><b>Name of Agent</b>  Mr Jay Everett</p>	
<p><b>Decision Target Date</b>  Extension of time agreed until 10 August 2015</p>	<p><b>Reason For Delay</b>  Awaiting further information and amendment to access point</p>	
<p><b>Case Officer</b></p>	<p>Mrs Eleanor Fawcett</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

**(i) Procedural Matters**

This application was deferred from the Planning Committee meeting on 5 June 2015 to allow further ecological information to be submitted.

**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 was originally proposed to utilise the position of the existing field access with alterations to meet the requirements of the Highways Authority. However, it has come to light that the landscaped area to the west is not part of the highway verge so cannot be relied upon for the visibility splays. As such, the access point has been repositioned further to the east of the site's frontage with Low Road. A footway was 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. However, this would have been over the same piece of land over which they have no control. As such, a link has now been proposed to the existing footpath to the front of 182 Low Road. 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:

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	Objection includes the following reasons: <ul style="list-style-type: none"> <li>• 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>)</li> <li>• Would lead to the development of the remainder of the land within the applicant's ownership which is within the AONB</li> <li>• Visual importance of land to the AONB and the setting of the Crook o' Lune</li> <li>• This application makes no reference to the Parish Plan and is submitted in defiance of its aspirations</li> <li>• Unwelcome expansion of the rural village – should not be an urban extension of Lancaster</li> <li>• Concerns regarding infrastructure capacity including: sewerage; school places; bus services; traffic issues with the new M6 Link road</li> <li>• The topography is steep and prohibitive to house and road construction</li> <li>• Risk of flooding to existing housing</li> <li>• 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."</li> <li>• Absence of consultation on the village built boundary; and the consultation summary is not representative of the views of residents</li> </ul>
<b>Environmental Health</b>	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).
<b>Tree Officer</b>	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.
<b>Public Realm Officer</b>	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.

<b>Engineer</b>	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.
<b>County Highways</b>	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. No objection to revised point of access.
<b>Environment Agency</b>	No objection subject to a condition requiring details of surface water drainage to be submitted.
<b>Natural England</b>	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.
<b>County Ecology</b>	<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, the County Ecologist requests 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>
<b>Ecology Consultant</b>	In response to additional information, namely a bat activity and breeding bird survey and an amendment to the indicative site plan to increase the buffering of the River Lune BHS site. No objection subject to conditions requiring: mitigation during construction to prevent materials/pollution entering the River Lune and no site clearance between 1 <sup>st</sup> March and 31 <sup>st</sup> August unless a detailed bird nest survey by a suitably experienced ecologist has been carried out; survey for invasive plant species with avoidance, control and eradication measures; submission of landscape management plan; and method statement to protect trees and hedgerows during construction. With regards to bats the low levels that were detected were associated with boundary features to be retained. No further information is therefore required with regards to any protected species, no conditions are required and no informatives.
<b>County Strategic Planning (Education)</b>	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.
<b>County Council Minerals Planning</b>	The site is in a Mineral Safeguard Area (MSA), and as such the applicants should submit a mineral resource assessment.
<b>Lead Local Floor Authority</b>	Comments to be reported.

<b>Public Rights of Way Officer</b>	No comments received
<b>Ramblers Association</b>	No comments received
<b>Forest of Bowland AONB</b>	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.
<b>United Utilities</b>	No objection subject to a condition requiring a scheme for the disposal of foul and surface water.
<b>National Grid</b>	No objection
<b>Shell UK</b>	No objection
<b>Lune River Trust</b>	No comments received
<b>Canal and River Trust</b>	No requirement to consult.
<b>Geo Lancashire</b>	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.

Neighbours were renotified following the submission of the amended access details. A further 11 pieces of correspondence have been received which raise similar concerns to above. In relation to the amendment, one raises concerns regarding the position of the access opposite Schoolhouse Lane due to increased traffic using the single track road to reach facilities. Two raised concerns regarding the probable presence of nesting lapwing on the site, in response to the additional ecology information submitted.

- 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
- 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 was originally proposed to be located towards the western edge of the site's frontage with Low Road with visibility splays of 2.4m by 90m. However these splays cut across part of the grassed area to the south west of the access point and as such clarification was sought as to the ownership of this and whether it forms part of the highway verge. It has come to light that it is outside the highway boundary and is unregistered. As such, it would need to be within the application boundary and the relevant notices served to be able to control the visibility as part of a condition. As a result of this, the access has been repositioned further to the east of the site's frontage, offset from Schoolhouse Lane, which is on the opposite side of Low Road. A new footway was proposed between the site's access and the existing junction of Low Road with Forgewood Drive. However, this has been removed from the scheme as the grassed verge is not under the control of the Highways Authority. In place of this, a link has been proposed between the site and the existing footway to the front of 182 Low Road. 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 were highlighted initially. 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 up to 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 has 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 site's 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 particularly in the vicinity of the site's point of access.

## 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 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 was submitted and County Ecology were 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 sets 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, was unknown and potential impacts could not 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 15 hectares in size, even where bat habitat quality is assessed as low.

- 7.6.4 Bat activity surveys have now been undertaken and a bat and breeding bird survey has now been submitted. Three bat transect surveys were undertaken to determine bat activity in and around the proposed development area. The report sets out that activity was shown to be very low and concentrated around the northern and southern treelines and these areas of hedgerow and trees are due to be retained and enhanced so these will be unaffected by the development. The proposal includes a 10 metre buffer zone to the hedgerow boundary and housing is due to be set away from the southern boundary offering extra buffering. It goes on to say that additionally an area of public open space around the south eastern section of the site will help enhance foraging opportunities for bats in the area indicating a positive impact. It is not considered that the proposal will impact on bats and has been recommended that in order to enhance the site that 8 bat boxes should be included on the exterior wall of the new buildings within the scheme, which could be integrated into a south-facing external wall. The Greater Manchester Ecology Unit (GMEU) have been consulted on the additional information and have raised no concerns with regards to impacts on bats as a result of the development.
- 7.6.5 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.
- 7.6.6 Habitats within and adjacent to the application area are suitable to support nesting birds. The initial 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 outlined that there are 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.
- 7.6.7 This has now been addressed in the bat and breeding bird survey submitted. This sets out that three breeding birds surveys were undertaken on the site with 29 bird species identified, of which 9 were determined as red or amber listed conservation status. It was determined that all but one would not be impacted by the development and that the development proposals would enhance the site for these species concluding a positive impact. The report sets out that the one species that may have been impacted was a single Lapwing. The impact status for this individual was seen to be locally negative at the site level only and the overall enhancements to the site would offset any impact by ensuring no overall net loss of breeding bird habitat. It has been recommended that all site

clearance should be undertaken outside of the bird nesting season and if not possible, the Appointed Ecologist must be present to oversee all vegetation removal. Twelve bird nesting boxes have also been recommended to be installed as high as possible on the fences of the new houses. The council's ecology consultant (GMEU) has set out that, whilst the loss of a single lapwing represents a negative impact at the local level, the overall impact with regards to all bird species is likely to be neutral to positive, dependent on the level of mitigation provided.

- 7.6.8 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.
- 7.6.9 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.
- 7.6.10 Despite the local records centre holding numerous records of Species of Principal Importance in the wider area, the original ecological appraisal report did 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.
- 7.6.11 In response to the above, the indicative layout has been amended to show how the buffer to the south of the site could be improved. The Council's ecology consultant has set out that the revised indicative layout increases the area of open land along the eastern boundary but no figures are provided with regard to relative areas of development and open space. No detail is provided with regards the landscaping of these areas. The most important ecological features on the site (i.e. boundaries) will be largely retained. The consultant has confirmed that they are satisfied that, given the low ecological value of the land to be lost and the area of land left available for mitigation, it will be possible to ensure no net loss of biodiversity and potentially achieve a net gain on-site, subject to the detail of the landscape mitigation plan. They have noted the intention of the Council to request a Landscape and Ecology Management Plan (LEMP) and also agree that it is important to condition

retention and protection of the boundary features. They have advised that a condition should be included in relation to a landscape management plan, including elements to mitigate for loss of trees, hedgerows, shrubs and bird nesting habitat and buffer the agricultural land to the east and River Lune to the south. This can be included within the condition relating to a scheme for the compensation of habitat loss. It is also intended that the management of this is included within that for the open space within the S106 agreement.

7.6.12 On the basis of the above, subject to appropriate conditions if consent is granted, it is not considered that the development will have an adverse impact on the biodiversity of the site.

## 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 Forgewood 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. The Lead Local Flood Authority has also been consulted and any comments will be reported at the meeting.

7.9 Affordable Housing

7.9.1 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. As the proposal will provide a crossing point and footpath links to Low Road it is considered that this will provide an appropriate link to the existing facilities and it is not considered that a contribution is necessary in this instance.

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 of this and wildlife buffer; and
- Education contribution (based on county Council's formula)

## **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 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/wildlife buffer including a landscape management plan
9. Ecology mitigation measures (including need for updated species and habitat surveys on any subsequent full or reserved matters applications, measures to prevent pollution of river during construction and timing in relation to nesting birds, survey for invasive species)
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 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 A6</p>	<p>Committee Date 27 July 2015</p>	<p>Application Number 15/00096/FUL</p>
<p><b>Application Site</b> Land Adjacent To J E Clarke Agricultural Buildings Melling Road Melling</p>	<p><b>Proposal</b> Erection of an agricultural workers dwelling with creation of access and raised patio area</p>	
<p><b>Name of Applicant</b> JE And AC Clarke</p>	<p><b>Name of Agent</b> Mr Ted Fletcher</p>	
<p><b>Decision Target Date</b> 13 April 2015</p>	<p><b>Reason For Delay</b> Increases in planning application caseload</p>	
<p><b>Case Officer</b></p>	<p>Mrs Eleanor Fawcett</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Peter Williamson for the application to be determined by the Planning Committee. The reason for the request relates to the agricultural need and that the agricultural business demands an agricultural dwelling that is over and above the size of the dwelling commensurate with the established functional requirement.

**1.0 The Site and its Surroundings**

- 1.1 This application relates to part of an agricultural field located adjacent to a group of modern farm buildings on the north east side of Melling Road, approximately 1 kilometre to the north west of the small village of Melling. The site is at a lower level than the highway, the boundary along which comprises a hedgerow. There is some variation in levels across the site, with the highest point towards the eastern corner. The nearest neighbouring residential property is located approximately 190 metres to the south east. The site is associated with Cringleber Farm which is located approximately 700 metres to the south in a straight line, and approximately 2.3 kilometres by road.
- 1.2 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. The River Lune Biological Heritage Site is approximately 500 metres to the north west. The site is also within a Mineral Safeguarding Area.

**2.0 The Proposal**

- 2.1 Planning permission is sought for the erection of an agricultural worker's dwelling with associated domestic curtilage and a new access from Melling Road. It would be a two storey detached dwelling with three bedrooms and a double integral garage. The building would be 15.9 metres long and 13.6 metres deep, at the widest point, with a ridge height of approximately 8 metres, at its highest point. It is proposed to be located approximately 90 metres from the gate into the farm yard, linked by a new path, and approximately 50 metres from the nearest farm building. The total area of domestic curtilage, including the footprint of the dwelling, is approximately 1,700 square metres. As part of the scheme, solar panels are proposed on the roof of one of the agricultural buildings and a ground

source heat pump collector is proposed in an adjacent field.

### **3.0 Site History**

3.1 There have been several planning applications and agricultural determinations on this site. The most recent site history is set out below.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
12/00898/FUL	Erection of an agricultural food storage building.	Approved
10/00474/FUL	Erection of a stock building (Building One)	Approved
10/00473/FUL	Erection of a stock building (Building Two)	Approved
10/00475/FUL	Erection of a stock building (Building Three)	Approved
09/01117/FUL	Erection of an agricultural storage building for silage/straw /grain /fodder (Phase 1 of phase 2)	Approved
09/01118/FUL	Erection of new agricultural storage building for silage/straw/grain/fodder (Phase 2 of phase 2)	Approved
07/00930/FUL	Erection of an extension to existing stock building	Approved
06/00034/FUL	Erection of a stock building	Approved
04/00209/AD	Agricultural Determination as to whether further details are required for the erection of a general purpose storage building	No further details required
04/00208/AD	Agricultural Determination as to whether further details are required for the erection of a general purpose storage building	No further details required
00/00198/FUL	Erection of a single storey building for use as a timber saw mill	Approved
93/00151/AD	Determination as to whether further details are required for the erection of a storage building	No further details required

3.2 There have been several planning applications and agricultural determinations on this site, the first being in 1993, but most since 2004. The site history is set out below.

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	Support the application.
<b>County Highways</b>	No objections. Request conditions requiring: a scheme for the construction of the off-site works of highway improvement (namely a vehicular drop crossing and intervening metalled surfacing between vehicular running lanes and requisite public / private highway boundaries); gateposts set back at least 5 metres from the edge of the carriageway; surfacing of first five metres of the access with a bound material; provisions to enable vehicles to enter and leave highway in a forward gear; and protection of visibility splays – 4.5 metres by 90 metres.
<b>Environmental Health</b>	No objection subject to standard land contamination conditions in addition to a preliminary risk assessment.
<b>Tree Officer</b>	No objection subject to conditions requiring: no tree to be removed unless agreed; submission of Tree Works Schedule and Arboricultural Method Statement; and landscaping scheme with 5 year maintenance.
<b>County Land Agent</b>	Taking into account the scale and nature of the operations at the application on site, on balance, the Agent is of the view that there is a need for someone to be readily available on the site itself. However, the size of the dwelling is significantly larger than required.
<b>County Planning (Minerals)</b>	No comments received

**5.0 Neighbour Representations**

5.1 No representations have been received.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 – Delivering Housing  
Paragraph 55 – Housing in Rural Areas  
Paragraphs 56, 58 and 60 – Requiring Good Design

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

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

E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages  
DM22 – Vehicle Parking Provision  
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  
DM43 – Accommodation for Agricultural and Forestry Workers  
Appendix C: Criteria for Housing Development for Rural Enterprise Workers

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

M2 – Safeguarding Minerals

**7.0 Comment and Analysis**

7.1 The main issues are:

- Principle of development
- Design and Landscape Impact
- Highway impacts
- Impacts on trees
- Land contamination
- Mineral Safeguarding

7.2 Principle of Development

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

7.2.2 The application site is located in the open countryside, divorced from any of the villages listed in Policy DM42. There are some limited services in Melling which can only be accessed via rural roads which have no footpaths. Someone living in this location would be wholly reliant on private transport.

As such, the site is considered to be within an unsustainable location. Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

- 7.2.3 Policy DM43 of the DM DPD sets out criteria in relation to accommodation for agricultural and forestry workers. In order to meet the criteria there must be a clearly identified functional need, the need must relate to a full time worker, the business must be established for at least three years and be financially sound, the functional need must not be able to be met by other accommodation in the area and the new dwelling should be sited to minimise the impact on the surrounding area. Appendix C supports this policy and sets out the tests for assessing the functional need and the financial soundness. An agricultural appraisal has been submitted with the application and the Land Agent at the County Council has been consulted to provide advice on whether the proposal meets these tests.
- 7.2.4 The application site comprises a large group of farm buildings, which has developed more rapidly since 2004. It is associated with Cringleber Farm, which is the applicant's family home and has a range of traditional agricultural buildings, located approximately 2.3 kilometres (by road) from the site. Ringstones Farm, at Bentham, is also associated with the farm holding and it is understood that this comprises 142 acres, a small number of redundant agricultural buildings and two dwellings that are currently let out. The main activity on the farm holding is rearing and trading beef cattle. The applicant, Mr John Clarke, farms with his son, Sam, who is 24 whilst his 75 year old father is involved in some aspects of the farming business.
- 7.2.5 The applicant has set out that the total area of land farmed extends to 800 acres (323.86ha), of which approximately 500 acres (202ha) is owned and occupied by the applicant. Arable cropping comprises approximately 75 acres (30ha) of winter/spring barley grown for whole-crop and feeding grain both of which are fed on the unit. It is understood that up to three cuts of grass silage is taken from approximately 300 acres (121ha). The applicant takes a crop of hay from a further 120 acres (48ha) and all remaining land is used for grazing. The applicant operates a beef suckler enterprise comprising of predominantly limousine cross cattle. The applicant calves around 250 suckler cows per annum and there are approximately 725 head of cattle ranging from adult suckler cows to calves. The applicant has also set out that he currently runs 603 store lambs which will be sold later in the year. It is understood that approximately 750 sheep are taken on for winter grazing from November through to March with some remaining on the land until April. Most of the animals are housed at the application site. The buildings at Cringleber comprise a range of traditional stone barns utilised for the housing of a small number of cattle and some calving cows.
- 7.2.6 The large traditional farmhouse at Cringleber Farm is occupied by the applicant and his family. The applicant advised the Land Agent that the house contains five bedrooms along with a kitchen, living room, dining room, boiler room and office. The applicant's son currently lives at this property and it is intended that he will occupy the dwelling for which consent is sought. He is self-employed and advised the Land Agent that he works approximately 10 hours a day on the unit, being mainly responsible for the diets and feeding of the cattle, and also does part time fencing and contracting work for neighbours. The applicant also employs an apprentice who works five days on the unit. It is understood that the applicant's father who resides at Tunstall, approximately 1.5 miles from the application site is partly involved in the farming operations. During the calving season it is understood that the applicant and his son share the task of regularly checking the cattle during the day and night in order to assist with any difficult calvings and other issues that may arise.
- 7.2.7 The principal reason put forward for the proposed development relates to someone being readily available on site during both the day and night in order to regularly check on the cattle. It is understood that the applicant feels that by not living on the main unit, it is difficult to regularly check on the cattle and respond to any potential issues. This is especially relevant during the calving season when the applicant and his son travel from Cringleber to the application site several times during the day and night. The number of cattle housed on the site has increased over recent years, avoiding the need to pay for cattle to be housed on other units. Taking into account the scale and nature of the operations at the application on site, on balance, the County Land Agent is of the view

that there is a need for someone to readily available on the site itself. However, he has raised concerns regarding the size of the dwelling, setting out that this is significantly larger than required, with the size of the dwelling relating more to personal circumstances. From experience in dealing with similar applications, the Land Agent has set out that a floor area not exceeding 150 square metres would be more appropriate.

- 7.2.8 The concerns regarding the scale of the dwelling were raised with the agent early in the application process and the dwelling was reduced slightly. The comments from the land Agent were made in relation to the amended plan. The proposed floor area of the dwelling is approximately 270 square metres (241 square metres without the garage). Appendix C of the DM DPD sets out that agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit will not be permitted. The justification for the dwelling relates to the need for an agricultural worker to be located on this site as it contains most of the farm operation, but it should be noted that there is another large dwelling associated with the unit within 3 kilometres. In advising the agent regarding the scale of the dwelling it has been accepted that this could have three bedrooms, as shown, even though the personal needs of the applicant's son do not currently require this. Officers are also accepting that this could effectively be a viewed as a farm house associated with the agricultural buildings on the site, rather than an additional farm worker's dwelling which are often quite small. However, the current room sizes are excessive, which results in a very large floor area for a three bedroom property, and there are also some elements that are not essential.
- 7.2.9 On receipt of the Land Agent's comments, the applicant's agent was contacted in writing with the concerns regarding the scale raised again and was sent some layouts, forwarded by the Land Agent, which showed more appropriate sized properties (around 150 square metres) still containing at least three bedrooms and the essential living accommodation. Since this, some suggestions have also been made to the agent regarding how the overall floor area of the dwelling could be reduced, for example by removing the dressing room, the cloakroom (there is already another toilet proposed on the ground floor) and the first floor workroom (there is already an office proposed on the ground floor), reducing the sizes of the en-suite, bedrooms, lounge and plant room, and by detaching the garage. No response was received in response to these suggestions.
- 7.2.10 A dwelling in this location would only be acceptable as an exception and as such it should relate to the farm operation rather than the specific requirements of the applicant, as set out in Appendix C of the DM DPD. This view is supported by the Land Agent and, although there is some flexibility in the size that could be acceptable, particularly as it will contain a farm office, the current proposal is excessive, having a total floor area of approximately 270 square metres and as such it is not considered that the proposal complies with the Council's adopted policy in relation to dwellings to serve an agricultural need.

### 7.3 Design and Landscape Impact

- 7.3.1 As set out above, the proposal relates to a large building. However, it will be at a lower level than the highway. It has also been designed so that the eaves height is above the ground floor windows on the south east elevation, reducing the massing of the building on one of the elevations which faces the highway. Nevertheless, it has been highlighted to the agent that some of the elevations appear quite complicated with a lot of different elements. On the south east elevation there is a dormer window, part of a gable visible, a hipped roof over the single storey element and the triangular projecting bay window visible which is on the north east elevation. The south west elevation, which would be viewed from the highway when travelling from the south west, has several different roof slopes visible which gives a rather messy appearance. Given the sensitive rural nature of the site, a more simplified form would be more appropriate and more in keeping with the agricultural use of the site. The building will utilise a mix of sandstone and roughcast render and would have a slate roof, all of which are appropriate traditional materials for this locality. The windows are proposed to be powder coated aluminium with artstone lintels and cills, which are likely to be acceptable subject to the precise details.

### 7.4 Highway Impacts

A new access is proposed to serve the development, located approximately 70 metres to the north east of the existing access serving the farm buildings. There is a large area of grassed verge between the carriageway and the boundary hedge which means that visibility of 4.5 metres by 90 metres can be achieved. The Highways Officer has raised no objection, but the proposal will require



offsite highway works in the form of a vehicle drop crossing and an area of metalled surfacing between the carriageway and the site, across the highway verge. The gate into the site has been shown set back at least 10 metres from the edge of the carriageway. A footpath link has also been indicated between the proposed dwelling and the agricultural buildings. Given the above, it is considered that a safe and appropriate means of access can be created and the proposal will not have a detrimental impact on highway safety.

## 7.5 Impact on Trees

7.5.1 A mixed species hedgerow comprises hawthorn, hazel and elder has been identified along the south east boundary of the site, adjacent to the highway. The hedgerow is no longer stock proof, and a number of gaps exist where the hedge has failed and not been restocked over the years. The proposal includes the removal of a 5 metres section of this hedgerow to facilitate access in to and from the site. A natural gap in the hedgerow has been selected for the access, further reducing the loss of hedgerow trees. There are a range of relatively small trees within the site proposed for development. These trees are to be retained and must be protected in compliance to BS 5837 (2012). In addition, there is a large mature beech tree in the corner of the adjacent field to the east. There must be no disturbance in the ground levels within the calculated root protection area of this tree, to avoid any adverse impact upon tree health, vitality, stability and long term sustainability. There were concerns raised regarding the plotted root protection area but this has now been amended to take into account the adjacent highway. Subject to adequate protection during construction, it is not considered that the development will have a detrimental impact on trees or hedgerows. Some additional landscaping can also be requested by way of condition.

## 7.6 Contaminated Land

7.6.1 The Contaminated Land Officer has requested a condition requiring the submission of a preliminary risk assessment in relation to contaminated land, in addition to the standard contamination conditions. However, the site relates to an agricultural field and there is no evidence that it has been subject to levels of contamination that would cause a risk to future occupiers. As such, in this instance, an unforeseen contamination condition is considered appropriate.

## 7.7 Mineral Safeguarding

7.7.1 The site is located on the edge of a mineral safeguarding area, which covers a large area up to the River Lune, extending to the north and south west of the site. The County Council, who are the mineral authority, have not provided any comments in relation to this application, and they usually set out when they have concerns regarding development in Mineral Safeguarding Areas. The NPPF states that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. Given the position of the site on the edge of the safeguarding area, and the location of the existing agricultural buildings, it is not considered that the development would constrain any future mineral extraction.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 Taking into account the scale and nature of the operations at the application on site, on balance, the County Land Agent is of the view that there is a need for someone to be readily available on the site itself. However, there are concerns regarding the size of the dwelling. A dwelling in this location would only be acceptable as an exception and as such it should relate to the farm operation rather than the specific requirements of the applicant. The current room sizes are excessive, which results in a very large floor area for a three bedroom property, and there are also some elements that are not essential. Despite these concerns being raised with the agent, they have not been adequately addressed. As a consequence, the proposal fails to comply with the Council's adopted policy in relation to residential accommodation for agricultural and forestry workers.

## **Recommendation**

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

1. The proposed agricultural worker's dwelling is unusually large in relation to the agricultural needs of the unit and as such would result in a building of an excessive scale in an isolated rural location. As a consequence, the proposal is contrary to the aims and objectives of paragraph 55 of the National Planning Policy Framework and policies DM42, DM43 and Appendix C of the Lancaster District Development Management Development Plan Document.

### **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. 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

<b>Agenda Item</b> A7	<b>Committee Date</b> 27 July 2015	<b>Application Number</b> 15/00294/CU
<b>Application Site</b> Pharmacy Heysham Health Centre Middleton Way Heysham	<b>Proposal</b> Change of use of pharmacy (D1) to foodstore (A1), recladding existing elevations, erection of an extension to the front and side elevations, creation of additional parking and associated landscaping works	
<b>Name of Applicant</b> ML (Heysham) Limited	<b>Name of Agent</b> Mr Matthew Sobic	
<b>Decision Target Date</b> 15 June 2015	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Colin Hartley for the application to be determined by the Planning Committee. The reason for the request relates to concerns in relation to noise and disturbance for the nearby residents from delivery vehicles, shopping traffic and air conditioning units, loss of privacy, impacts on highway safety and impacts on employment and the local economy.

**1.0 The Site and its Surroundings**

- 1.1 This application relates to a relatively large single storey building which was previously used as a health centre but has been vacant for some time. It is located adjacent to Middleton Way in Heysham, opposite the more recently constructed Heysham Primary Care Centre. In addition to the building, the site comprises a car park which is served by an existing access from Middleton Way. It includes an area of green open space, which is outside the boundary of the former health centre, and extends up to the bus lane/terminal on Middleton Way. The building is constructed of a buff coloured brick and has a shallow pitched tiled roof. There are some trees within and adjacent to the site, mainly close to the access and the western boundary. Some of these are covered by a Tree Preservation Order. There were previously a row of trees on the grassed area to the north of the site, but these were removed before the application was submitted.
- 1.2 To the west of the site are a number of residential properties and a funeral home. The latter is in close proximity to the site boundary, adjacent to the existing car park, and has windows facing the site. Four of the adjacent dwellings front onto Middleton Road, to the west, and as such are separated by long rear gardens of approximately 28 metres. Close to the south west corner of the site are a row of semi-detached dwellings which front onto Ripon Place and have shorter gardens. The only one which shares a boundary with the site is number 1, which is approximately 6 metres from the site.

## **2.0 The Proposal**

2.1 Planning permission is sought for the change of use of the former health centre to a food store with an internal floor area of approximately 650 sq.m. The proposal involves the extension of the building by 162 sq.m, cladding of the existing building, creation of a replacement access from Middleton Way, an extension to the existing car park and the provision of a plant equipment area. The extension to the car park will involve the removal of a grassed area to the north of the site.

## **3.0 Site History**

3.1 The most recent site history is set out below.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>04/00176/FUL</b>	Alterations and general refurbishment works to include new canopy and associated works	Approved

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	No comments received
<b>County Highways</b>	Following revisions, no objection subject to conditions requiring: a scheme for the construction of off-site highway improvement works (improvement of existing bus stops facilities, a review of existing Traffic Regulation Orders along the frontage of the site with Middleton Way, implementation of pedestrian refuge provision, alteration of Middleton Way carriageway centre-line markings in the vicinity of the site's point of access); provisions to enable vehicles to enter and leave the highway in a forward gear; protection of visibility splays of 2.4 by 43 metres; access to be a minimum wide of 6 metres for 5 metres from the carriageway; and removal of a length of guard rail in the grass verge area.
<b>Environmental Health</b>	No objection subject to conditions in relation to plant noise (Rating Level 26dB is not exceeded) and servicing hours (7.30am and 7pm Monday to Saturday and 10am until 4pm Sundays and Bank Holidays).
<b>Tree Officer</b>	No objection subject to conditions requiring: development carried out in accordance with submitted Arboricultural Implications Assessment and Arboriculture Method Statement; and implementation of landscaping scheme.
<b>Public Realm Officer</b>	There is minimal loss of amenity space, with sufficient remaining for aesthetic purposes. The development is in close proximity to play spaces on the opposite side of the main road. Recommend options to facilitate the safe crossing of pedestrians.
<b>Lancashire Fire and Rescue</b>	The Fire Authority will make a detailed report on fire precautions at building regulation application stage and the Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

## **5.0 Neighbour Representations**

5.1 13 pieces of correspondence objecting to the proposal have been received, raising the following concerns:

- Impact on highway and pedestrian safety and increased traffic/encouragement of car use
- Noise from vehicles, associated plant machinery and opening hours
- Impact on privacy
- No need for additional food store in the area
- Impact on the character of the area
- Increase in litter, vandalism and anti-social behaviour
- Management of trees on boundary with residential properties
- Other uses would be more beneficial
- Impact on nearby shops and employees

- Reduction in property values

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
 Paragraphs 23 – 27 – Ensuring the vitality of town centres  
 Paragraph 32 – Access and Transport  
 Paragraphs 56, 58 and 60 – Requiring Good Design  
 Paragraph 69 – Promoting healthy communities  
 Paragraph 74 – Protection of open space  
 Paragraph 123 – Noise impacts from development

### **6.2 Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development  
 SC5 – Achieving Quality in Design  
 ER4 – Town Centres and Shopping  
 ER5 – New Retail Development

### **6.3 Development Management Development Plan Document (adopted December 2014)**

DM1 – Town Centre Development  
 DM21 – Walking and Cycling  
 DM20 – Enhancing Accessibility and Transport Linkages  
 DM22 – Vehicle Parking Provision  
 DM25 – Green Infrastructure  
 DM26 – Open Space, Sports and Recreational Facilities  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM35 – Key Design Principles

## **7.0 Comment and Analysis**

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

- Principle of the development
- Impact on residential amenity
- Access and highway impacts
- Design and Impact on the character of the area
- Impact on trees and hedgerows
- Loss of open space

### **7.2 Principle of the development**

**7.2.1** The proposal is for the conversion of the Health Centre into a small food store which would be 650 sq.m (gross) in size. The creation of a food store represents a main town centre use, as defined by Annex 2 of the NPPF and, given its out-of-centre location, the sequential test must be passed to accord with both national and local planning policy. Given the small scale of the food store, it is reasonable to suggest that the sequentially preferable location for such a proposal would be the local centre at Heysham Road, some 0.7 km north of the site. The local centre at Heysham Road is identified in the Lancaster District Core Strategy and emerging policy with the Draft Preferred Options Land Allocations DPD (published in 2012). Opportunities for any expansion or regeneration within the Heysham Road Local Centre are limited given a lack of vacant sites/properties.

**7.2.2** It is considered that only one site exists which should be given consideration in the sequential test. That is land at Heysham Road and Knowlys Street (the former police station site). The total area of this site of this is c0.06ha (c600 sq.m) and, whilst it is capable of accommodating a foodstore of the size proposed at Middleton Way, it does not represent a realistic alternative when taking into account the space necessary for access, car parking and servicing – even if flexibility is applied to the scale and format of the proposed store. With regard to availability, the site has been subject to a number of planning applications over recent years and has planning permission (11/01089/FUL) for a ground

floor retail unit with residential uses above. The proposed retail unit is c350 sq.m (gross) in size. Whilst this may represent an implementable permission, it is not considered that it represents a reasonable alternative to the proposal at Middleton Way. It is therefore considered that the proposal passes the sequential test.

7.2.3 The comments made regarding existing food stores within the locality are noted. However, the number of stores in the local area and the competition which arise are not a material consideration in determining a planning application. The commercial risks associated with increased store numbers and any subsequent increase in competition is at the risk of the applicant and future operator.

### 7.3 Impact on residential amenity

7.3.1 There are a number of residential properties located to the west of the application site. Those fronting Middleton Road are separated by long rear gardens, whereas those on Ripon Place are sited further to the east, with significantly shorter gardens. Only one of these abuts the application site, number 1, and a further five dwellings back onto the area of open space to the south of the site. The entrance to the store is on the northern elevation with deliveries proposed adjacent to the western boundary. A plant area is also proposed adjacent to the south west corner of the building. The store opening hours have been indicated as 0600 to 2300 Monday to Saturday and 1000 to 1800 on Sundays and Public Holidays. A noise assessment has been submitted with the application, however a number of queries were raised regarding this by Environmental Health. These related to the location and types of delivery vehicles, the proposed barrier attenuation and why a BS41412 assessment was not carried out in relation to site operations including deliveries.

7.3.2 Further information was submitted and the plant area has been moved further along the southern elevation, approximately 16 metres from the boundary with the nearest residential property. A two metre high close boarded fence is also proposed for sound attenuation purposes along the western boundary adjacent to the residential properties, and part of the southern boundary. Following this, Environmental Health has recommended that delivery times are restricted between the times of 0730 and 1900 Monday to Saturday and 1000 to 1600 Sundays and Public Holidays, which would be consistent with other similar retail units in the area. It has also been recommended that condition is imposed requiring that a rating Level of 26dB (for fixed plant noise) is not exceeded at the nearest noise sensitive properties. The agent has agreed to both of these requirements.

7.3.3 The development is also in close proximity to a funeral home, to the west. A hornbeam hedge has been proposed along all of the western boundary, on the inside of the proposed fence towards the south west corner. These measures will prevent any overlooking into these properties. Subject to appropriate measures being put in place, as set out above, it is not considered that the proposal will have a significant adverse impact on the amenities of the nearby residential properties.

### 7.4 Access and highway impacts

7.4.1 The scheme proposes a new access point from Heysham Way, which would replace the existing one. It would be located further to the north in order to accommodate the extension to the building and some parking spaces adjacent to this. The Highways Officer originally raised some concerns with some aspects of the application given the likely increase in pedestrian and vehicle movements. These related to the width of the access point, turning within the site, under provision of parking facilities and offsite works that would be required.

7.4.2 Following the submission of further information and amendments, the Highways Officer has raised no objections to the proposal from a highway perspective, subject to the inclusion of various conditions. There has been no increase in parking spaces from the 35 originally shown, but the scheme now includes two motorcycle bays and two cycle stands. The Highways Officer has requested a number of off-site highway improvement works in order to mitigate the consequences of pedestrian movements over surrounding lengths of the public highway, namely:

- Improvement of existing bus stops facilities through the implementation of appropriate thermoplastic lining requirements;
- The developer pursue a review of existing Traffic Regulation Orders along the frontage of the site with Middleton Way (to include prohibition of loading and unloading of vehicles). With the same meeting all of the costs associated with advertisement and subsequent implementation should such be deemed necessary;

- Implementation of pedestrian refuge provision (exact location to be agreed) though preference would be for it to be sited on the Middleton Way in the vicinity of its junction with the Emmaus Road. Such would serve residential areas to the south of the site as well as the large residential community of "Mossgate Park";
- Alteration of Middleton Way carriageway centre line markings in the vicinity of the site's point of access with the same such as to include creation of a vehicular right turning facility; and
- Removal of a minor length of pedestrian guard rail situated in a grass verge area adjacent existing pedestrian means of access to the former health centre.

7.4.3 Subject to these works, prior to the first operation of the food store, it is considered that the proposal will not have a significant adverse impact on highway and pedestrian safety.

### 7.5 Design and Impact on the character of the area

7.5.1 The scheme proposes to utilise the existing building, with the addition of an extension to the north elevation of the building. The current building has low pitched sloping roofs and the walls are finished in a buff brick. The roof is proposed to be dark grey with a standing seam and the walls are proposed to be a mix of white render, grey cladding and glazing around the entrance. There were some concerns raised regarding the flat roof to the cladding being higher than the roof. However, the agent advised that this could not be changed for several reasons, setting out that it would not be possible to increase the height of the existing roof as this would be too costly as it would involve removing the existing roof, building up the building and replacing with a full new roof. It has also been set out that the fascia itself is at the lowest it can possibly be to join onto the ridge of the slope that it adjoins, with the parapet sitting 45.5 cm above the highest point of the existing roof. Given the proximity to the modern primary care building on the opposite side of Heysham Way, the design is considered acceptable. The precise details of the materials can be requested by condition.

### 7.6 Impact on trees and hedgerows

7.6.1 There are trees within the site that are protected by a Tree Preservation Order. These include a group of early mature silver birch, pine, and a mature ornamental cherry. A detailed Arboriculture Implications Assessment (AIA) and Arboriculture Method Statement (AMS) have been submitted. A number of trees were removed earlier this year from within the site and from land understood to be Council land at that time. As a result the remaining trees were assessed and found to have sufficient amenity value to justify protection with a Tree Preservation Order. Trees within the site are clearly visible from a range of locations within the wider public domain. They make an important contribution to the character and appearance of the site and that of the wider locality. They are in good overall condition and have long periods of useful remaining life potential. As such, existing trees must be retained within the proposed change of use of the site and design, in the interest of public amenity. They also offer important opportunities for wildlife in an otherwise highly urbanised area of Heysham.

7.6.2 A total of 5 individual trees and 2 groups have been identified within the submitted tree information. One of the groups (Cypress) is established within an off-site location and directly implicated by the development proposals. Measures have been identified within the submission that would allow for the proposed development and safe retention of the group. 3 trees (Cherry) are proposed for removal to accommodate the proposed alterations to the existing car parking arrangement. New replacement planting has been proposed and would in principle satisfy the Council's requirement for replacement planting at a ratio of 3:1. A detailed landscape scheme and maintenance regime has been detailed within the submission. This has now been amended to include a larger green area in the north west corner of the site, by reorganising the car park, and includes additional planting. A new hornbeam hedge has been proposed along all boundaries of the site, 1 metre high adjacent to the highway, with some additional tree planting between the car park and the highway.

### 7.7 Loss of open space

7.7.1 The site includes an area of green space to the north of the site which is outside the boundary of the former health centre. This was previously in the ownership of the City Council. Policy DM25 in relation to green infrastructure sets out that individual green assets should be retained wherever possible, particularly in relation to spaces which have recognised value, whether this is community or environmental. This is also reiterated in Policy DM26 in relation to open space, sports and recreational facilities. It is considered that there will be a minimal loss of amenity space, with

sufficient remaining to the north and south for aesthetic purposes. The proposed development is in close proximity to play spaces on the opposite side of the main road. The Public Realm Officer has recommended that options to facilitate the safe crossing of pedestrians are required as part of this development. This has been included in the requirements above set out by the Highways Officer.

## **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 principle of a food store in this location is acceptable and that, subject to appropriate conditions, the proposal will not have a detrimental impact on the amenities of nearby residents or the character and appearance of the area.

## **Recommendation**

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

1. Standard time condition
2. In accordance with amended plans
3. Scheme for offsite highway works including (improvement of existing bus stops facilities, a review of existing Traffic Regulation Orders along the frontage of the site with Middleton Way, implementation of pedestrian refuge provision, alteration of Middleton Way carriageway centre line markings in the vicinity of the sites point of access, removal of pedestrian guard rail)
4. Details of materials
5. Details of bin store
6. Details of cycle stands
7. Lighting details (notwithstanding plans)
8. The development shall be carried out in accordance with the submitted Arboricultural Implications Assessment and Arboriculture Method Statement
9. Access, parking, turning and bike stands provided prior to first use/trading
10. Landscaping scheme implemented
11. Hours of construction
12. Protection of visibility splays
13. Hours of deliveries – 0730 and 1900 Monday to Saturday and 1000 to 1600 Sundays and Public Holidays
14. Opening hours - 0600 to 2300 Monday – Saturday and 1000 to 1800 Sundays and Public Holidays.

## **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.



<b>Agenda Item</b> A8	<b>Committee Date</b> 27 July 2015	<b>Application Number</b> 15/00238/OUT
<b>Application Site</b> Woodburn Farm 52 Low Road Middleton Morecambe	<b>Proposal</b> Outline application for the demolition of existing farm buildings and erection of 9 dwellings	
<b>Name of Applicant</b> Mr And Mrs W, Mr And Mrs P, Mr And Mrs F And Mr J Mashiter	<b>Name of Agent</b> Greg Gilding	
<b>Decision Target Date</b> Extension of time agreed until 3 July 2015	<b>Reason For Delay</b> Awaiting further information and officer workload	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by former Councillor Keith Sowden (in May 2015) for the application to be determined by the Planning Committee. Whilst Mr Sowden no longer serves on the Council, the request for Committee determination was made whilst he was a serving Councillor, and the Committee referral therefore stands. The reason for the request relates to the need for housing in this location due to increased employment and the lack of an identified housing need specific to this area of the District which needs to be taken into account.

**1.0 The Site and its Surroundings**

- 1.1 This application relates to land adjacent to Low Road in the village of Middleton, and contains a group of modern agricultural buildings. There are no farm operations taking place from the site and many of the buildings are in a poor state of repair. The land slopes downwards away from the highway and is significantly lower at the rear of the site, to the east. Most of it is located within flood zone 3.
- 1.2 To the north, south and west of the site are residential properties which are a mix of bungalows and two storey buildings and to the east are agricultural fields. The site extends further to the east than the rear boundaries of the adjacent residential properties and behind the rear of Woodburn Farm, the dwelling to the north. The properties on the opposite site of Low Road, to the west, are at a higher level.
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. The Lune Estuary is approximately 800 metres to the south east and is designated as a Site of Special Scientific Interest. It is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.

**2.0 The Proposal**

2.1 Outline planning permission is sought for the demolition of the farm buildings on the site and the erection of nine dwellings. All matters are reserved.

**3.0 Site History**

3.1 There is no recent planning history on the application site.

**4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	No comments received
<b>County Highways</b>	No objection subject to: temporary wheel wash facilities during construction; creation of an appropriate view line envelope (2.4 x 40 metres); creation of appropriate turning facilities within curtilage; setting back of boundary dry stone walling along the sites frontage to allow for the construction of a 2.0m wide length of pedestrian footway.
<b>Environmental Health</b>	No objection subject to: a preliminary risk assessment; scheme for the investigation and remediation of contamination; details of any imported soil, materials & hardcore; prevention of new contamination; the bunding of tanks; and hours of construction.
<b>Tree Officer</b>	No objection subject to conditions requiring: the development to be carried out in accordance with the Arboricultural Implications Assessment; and the submission of a landscaping scheme.
<b>Drainage Engineer</b>	The drainage and flood risk management proposals are well designed and ensure that there is no risk of flooding to properties on or off site from surface water.
<b>Environment Agency</b>	No objection in principle; it is for the local planning authority to determine whether or not the proposals satisfy the Sequential Test and, where necessary, the requirements of the Exception Test. In considering whether or not the proposals satisfy the requirements of the second part of the Exception Test, the EA advise that they are satisfied that the development would be safe for its lifetime without increasing flood risk elsewhere. Finished floor levels should be set 600mm above existing ground levels in Areas Benefiting from Defences, in this instance it would not be necessary to raise ground levels on the entire site.
<b>Natural England</b>	No objection
<b>United Utilities</b>	No objection subject to condition requiring a scheme for the disposal of foul and surface waters. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
<b>North Lancashire Bat Group</b>	As the application relates the demolition of agricultural buildings, a bat survey report should be submitted.
<b>Fire Safety Officer</b>	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.
<b>Office for Nuclear Regulation</b>	No comment to make - does not lie within a consultation zone around a nuclear site.

**5.0 Neighbour Representations**

5.1 Three pieces of correspondence have been received which raise objections to the proposal for the following reasons:

- Loss of trees
- Impact on wildlife
- Increased traffic
- Limited public transport
- Capacity of local schools
- The safety and appearance of the buildings is the responsibility of the owner

Two further pieces of correspondence have been received which do not raise an objection but do set out the following concerns:

- Surface water drainage
- Impact on visual amenity and loss of privacy due to elevation and position

## **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 100 – 103 – Flood Risk  
Paragraph 118 – Conserving and Enhancing Biodiversity

### **6.2 Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development

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

E4 – Countryside Area

### **6.4 Development Management Development Plan Document (adopted December 2014)**

DM20 – Enhancing Accessibility and Transport Linkages  
DM22 – Vehicle Parking Provision  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth

## **7.0 Comment and Analysis**

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

- Principle of residential development in Middleton
- Flooding and Drainage
- Impact on residential amenity
- Design and Impact on the character of the area
- Access and highway impacts
- Impact on trees and hedgerows
- Ecological Impacts
- Contaminated land

### **7.2 Principle of residential development in Middleton**

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 DM20 of the Development Management DPD 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. Middleton is listed as one of the settlements where new housing will be supported. As such, the principle of residential development is considered to be acceptable in the village, on sites which are well related to the existing built up area.

### **7.3 Flooding and Drainage**

- 7.3.1 The majority of the site is located within Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Practice Guidance. Given the location of the proposed residential development, within Flood Zone 3, a Sequential Test is required to assess whether more appropriate locations exist which are in areas which are at lower risk from flooding. The need and importance of the Sequential Test is set out in paragraph 101 of the National Planning Policy Framework (NPPF) which states that *'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding.'* The NPPG is clear in paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.
- 7.3.2 The Environment Agency (EA) have raised no objection in principle to the proposed development but make it clear that it is for the local planning authority (not the EA) to determine whether or not the proposals satisfy the Sequential Test. They have only considered whether or not the proposals satisfy the requirements of the second part of the Exception Test. They have advised that finished floor levels should be 600mm above existing ground levels in Areas Benefiting from Defences and in this instance it would not be necessary to raise ground levels on the entire site. The Council's drainage engineer has set out that the drainage & flood risk management proposals are acceptable and will ensure that there is no risk of flooding to properties on or off site from surface water.
- 7.3.3 The applicant has submitted a Sequential Test. In order to assess this, the local planning authority needs to consider the scope of the test. Paragraph 33 of the NPPG states that *'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.'* The type of development proposed is residential which, if permitted, would assist in meeting market housing needs within the district. The most relevant and recent evidence on market housing needs comes from the Council's Strategic Market Housing Assessment (SHMA) which was published in 2014. The SHMA addresses housing needs / requirements on a district-wide basis and does not focus on housing needs for specific settlements, wards or parishes. As a result, the housing need for Middleton village is not known and no evidence has been provided by the applicant to evidence the level of specific local need. Given that the evidence for housing need is district-wide, the only consistent approach to take when determining a catchment area for the Sequential Test is to consider the availability of housing sites on a district-wide basis and not to purely concentrate on the availability of sites within the immediate vicinity of Middleton.
- 7.3.4 The submitted Sequential Test concentrates only on the availability and suitability of sites in the Middleton area to take the proposed development. Based on the above, a Sequential Test has not been submitted which accurately reflects the catchment area for the type of development proposed and the guidance set out in paragraph 33 of the NPPG. Several appeal decisions support the Council's view regarding the catchment area for the sequential test. The applicant's agent has been made aware of these views but no further assessment of sequentially preferable sites has been submitted. Given that there are many locations within the District which are on land outside Flood Zones 2 and 3, it is considered unlikely that there would not be reasonably available sites elsewhere at a lower risk of flooding which could accommodate the proposed development. It is therefore unlikely that the proposal could pass the Sequential Test even if a more appropriate assessment was submitted. Residential development is therefore considered to be unacceptable on this site.
- 7.4 Impact on residential amenity
- 7.4.1 The application seeks outline consent for the erection nine dwellings. There are residential properties on either side of the site, and the opposite side of the Low Road. The precise layout and design will be determined at the reserved matters stage, however, an indicative layout has been submitted with the application. This shows a separation distance of at least 22 metres between the front walls of the existing dwellings fronting onto Low Road, and those proposed at the front of the site. These neighbouring properties are also at a higher level than the application site. The plan also demonstrates that an adequate separation distance can be achieved between the side walls of the dwellings to the north and south and the rear wall of Woodburn Farm. As such, it is considered that

the proposal could be adequately accommodated on the site without having a detrimental impact on the amenities of the neighbouring residential properties.

7.5 Design and Impact on the character of the area

7.5.1 The design and layout would be determined at the reserved matters stage. However, the indicative layout shows four dwellings fronting Low Road with five to the rear, accessed via a new road. The indicative layout shows that the dwellings can be adequately accommodated with sufficient garden space and separation distances between the proposed dwellings. The buildings have been shown with two storeys. There is a mix of bungalows and two storey properties in the vicinity of the site. Given that the dwellings on the opposite side of the highway are at a higher level, and the adjacent dwelling to the north is two storey, the scale is likely to be acceptable, subject to the final design and proximity of the dwelling closest to the bungalow to the south. The development will also result in the removal of several derelict buildings and should improve the overall appearance of the site. The development would extend further to the east than the adjacent residential properties, but this is not considered to have an adverse impact on the character or appearance of the area.

7.6 Access and highway impacts

7.6.1 An access point has been shown on the indicative layout plan, but would be determined at the reserved matters stage. The Highways Officer has set out that visibility splays of 2.4m by 40m are required at the entrance of the site onto Low Road. This can be achieved but would include some of the land belonging to the property to the north, Woodburn Farm, which is in the applicant's ownership. Two or three parking spaces will be required per dwelling, depending on the size of the dwellings (i.e. number of bedrooms), but there is enough space within the site to achieve this. Sufficient turning facilities could also be achieved.

7.6.2 The pavement along Low Road is particularly narrow to the front of the site and the farmhouse. The development of the site gives the opportunity to set back the boundary wall to create a 2 metre wide length of footway to the front of the site which will help driver visibility and pedestrian access along the footpath. The Highways Officer has also highlighted that there should be temporary wheel wash facilities during construction activities, and this could be adequately controlled by condition.

7.7 Impact on trees and hedgerows

7.7.1 A total of five trees have been identified and include a sycamore, cherry, willow, poplar and birch. With the exception of the sycamore, all of the trees are established in offsite locations, though still implicated by the proposed development and are at risk of damage. The sycamore is proposed for removal in order to accommodate the access arrangement, with all other trees to be retained and protected. It should be noted that levels are proposed to be increased from the existing levels. The Tree Officer has advised that there can be no changes in ground levels within identified root protection areas of offsite trees. Protective barrier fencing must be erected and inspected prior to any activities on site in relation to the development. New planting is proposed, and will include adequate mitigation measures with regard to the loss of the tree.

7.8 Ecological Implications

7.8.1 The Lune Estuary is located approximately 800m to the south east and is designated as a Site of Special Scientific Interest. It is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. Natural England does not consider that the proposal poses any likely or significant risk to the nearby designated areas.

7.8.2 A bat, barn owl and nesting bird survey has been submitted with the application as the proposal involves the demolition of several buildings. This sets out that there was no past or current evidence of bats roosting found at the site during the survey and that the buildings are unlikely to be used by significant numbers of bats for roosting. As such, it is highly unlikely the buildings are essential for species survival. Precautionary mitigation has been advised. The report also sets out that there is a low potential for use of the site by barn owls. Whilst there are potential nest sites within the buildings, there is no indication of any type of past use. There is the potential for a disturbance to nesting birds during the construction phase, however, it is unlikely that the loss of potential nest sites would have significant long term impacts on local bird populations as the habitat around the site is open and exposed and offers low quality foraging opportunities. A check of the site for active nest sites has

been advised prior to work commencing if this is in the period of March to September.

7.8.3 On this basis, it is considered that the development will not have a significant impact on protected species, provided that appropriate precautionary mitigation is implemented during construction.

#### 7.9 Contaminated land

7.9.1 The site has been previously used for agricultural activities. As such, there is the potential for contamination which could cause risks to future occupiers of the site. However, the nature and level is unlikely to be so significant to prevent the development being carried out. As such, it is considered appropriate to attach conditions to ensure that a preliminary risk assessment is undertaken, followed by further investigation works and remediation if necessary.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 The site is considered to be in a sustainable location and is of a sufficient size to accommodate nine dwellings without having a significant adverse impact on the character and appearance of the area, highway safety, residential amenity and ecology. However, the majority of the site is located within flood zone 3, which is defined as having a high probability of flooding in the National Planning Practice Guidance. The Sequential Test submitted does not accord with national planning policy as it does not reflect the appropriate catchment area for the type of development proposed, as outlined in paragraph 33 of the NPPG. As such, it has not been demonstrated that there are no other sites available, within areas at a lower risk of flooding, that could accommodate this development. It is unlikely that there are no other suitable sites within the District that are outside flood zones 1 and 2. The lack of a five year housing land supply or the benefits of removing the derelict buildings from the site do not obviate the requirement for this development to pass the Sequential Test at this moment in time. The proposal, therefore, represents an unacceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework.

### **Recommendation**

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

1. The site is located within flood zone 3 and the applicant has failed to satisfy the requirements of the sequential test, as required by paragraph 101 of the NPPF. As such, the proposal represents an unacceptable form of development, within an area defined as having a high probability of flooding, and is contrary to Section 10 of the NPPF and policy DM38 of the Lancaster District Development Management Development Plan Document.

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

In accordance with the above legislation, the City Council can confirm that it 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.

### **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

<b>Agenda Item</b> A9	<b>Committee Date</b> 27 July 2015	<b>Application Number</b> 15/00425/FUL
<b>Application Site</b> Grasscroft Borwick Avenue Warton Carnforth	<b>Proposal</b> Erection of three dwellings with garages and associated access and landscaping	
<b>Name of Applicant</b> Mr Julian Stainton	<b>Name of Agent</b>	
<b>Decision Target Date</b> 12 June 2015	<b>Reason For Delay</b> Additional information and increase in officer caseload	
<b>Case Officer</b>	Catherine Spreckley	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

**(i) Procedural Matter**

This form of application would normally be deal with under the Scheme of Delegation, however, the joint applicant is a member of staff within the local authority and consequently the application needs to be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located within the village of Warton between Borwick Avenue and Warton Bowling Club. The site within the Arnside and Silverdale Area of Outstanding Natural Beauty and Countryside Area. Warton Conservation Area boundary lies approximately 50m to the northwest of the application site beyond the bowling green running along Church Walk. Properties on the west side of Church Walk are two storey semi-detached 1930's housing and predominantly single storey bungalows to the east side of Church Walk.
- 1.2 The application site comprises a small field and to the north part of the area to the now vacant haulage yard associated with Grasscroft. The site boundaries comprise, mature privet hedgerow to the east along Borwick Avenue, a mixture of mature hedgerow, trees and fencing along the southern boundary of the residential properties on Borwick Lane, and a 1.3m high limestone wall to the western boundary with the bowling green. The northern site boundary is open as part of the yard. A mature hawthorn hedge sits slightly within the application site forming the field boundary.
- 1.3 Ground levels generally fall northeast to southwest with the land to the east of Borwick Avenue siting approximately 2.0m higher than the application site. The dwellings fronting Borwick Lane lie slightly lower than the application site, approximately 0.6m. A section across the site indicates a difference in level (Grasscroft to the north and 17 Borwick Lane to the south) of approximately 1.5m over the gentle grade.
- 1.4 The immediate area has a mix of property types, in terms of age, style and over height. Adjacent to the site to the north are Grasscroft House (two storey) and Grasscroft Bungalow owned by the former owner of the building plots. On Borwick Avenue sitting at a higher level there are two pairs of two-storey semi-detached houses built in the 1930's. There are four chalet style

bungalows adjacent to the site on Borwick Lane with a detached two storey house also on Borwick Lane at the junction with Borwick Avenue. The bungalows enjoy generous rear gardens with a depth of approximately 18m. The properties on Borwick Avenue are set well back from the road with front gardens on a similar length and a separation distance to the edge of the application site of over 25m.

## **2.0 The Proposal**

- 2.1 The application is seeking consent for the erection of three detached four bedded dwellings along with new vehicle accesses and landscaping. The submission scheme has been revised from its original form removing the development of detached double garages from plots 2 and 3 of the scheme. Plot 1 to the west end of the site maintains a detached double garage in front (north) of the dwelling alongside the boundary with the bowling green.
- 2.2 All plots provide for 4-bed houses two storeys but all of differing design but shared materials (slate roof, rendered walls and stone detailing). Plot 1 introduces a dwelling with full height gables rising to a ridge height of 8.0m, Plot 2 rises to a similar height but has a hipped roof. Plot 3 is a slightly smaller footprint and lower roof height (7.7m) again with a hipped roof. The rear garden depths are 10m or greater with only a small single storey projection into the rear garden to form a garden room on each dwelling. The plot widths all vary to reflect the shape of the site but are generous providing circulation space around each dwelling.
- 2.3 The site is accessed off Borwick Avenue, a private made up road which currently serves 5 dwellings and the now closed haulage yard associated with Grasscroft. Currently, Grasscroft and Grasscroft Bungalow are served off Church Walk to the northwest, a private unmade road. The scheme utilises the existing haulage yard access to provide a new defined driveway which will serve Plots 1 and 2 of the application and Grasscroft. Plots 1 and 2 will both have separate driveways each provided with a turning/manoeuvring area as well as car parking for at least two cars. Plot 3 to the east will again enjoy a separate access, turning and parking area but this will be developed by the removal of a section of hedgerow fronting Borwick Avenue. The construction of the dwellings will also necessitate the removal of the hawthorn hedgerow which formed the northern field boundary but which lies approximately a quarter of the way into the application site.
- 2.4 The existing junction of Borwick Avenue with Borwick Lane is unmarked and has limited sight lines. Following discussion/negotiation with the Highway Authority the sight lines have been improved by the cutting back of a third party hedgerow. Whilst beneficial to all users of the avenue, the control of the sight line lies outside of the control of the applicant. In order to aid visibility at the junction and alert users of the main Borwick Lane, the Highway Authority has sought the introduction of a simple white lining on Borwick Lane. This will alert users of the presence of the access and demarcate the junction. The applicant has agreed to fund this, the precise design will be developed by the Highway Authority and is not shown on the submission plans.
- 2.5 Drainage of the site is to be via a separated system with surface water being directed to soakaways and foul drainage into the adjacent public sewer. The sewer lies within the garden areas of the neighbouring properties fronting Borwick Lane. Agreement has already been gained from United Utilities for a connection to the public sewer with a connection brought from the garden of 17 Borwick Avenue into the site. It is understood that this connection will serve not only this application site but also the separate single dwelling consent adjacent to Grasscroft.

## **3.0 Site History**

- 3.1 The site forms part of a larger commercial site which has been used for agricultural haulage including the movement of livestock. It is understood that the current application site which is wholly agricultural is a small field which was used for stock grazing in conjunction with the commercial operation. The larger site combining both the commercial yard and the field gained consent for the erection of two large detached dwellings under 12/00218/CU.
- 3.2 The consent sought to develop a new dwelling within the commercial yard following the demolition of a workshop/storage building. A further even larger detached dwelling and separate detached double garage was to be built within the field. The current site access into the yard was to be modified to provide access to the two new dwellings as well as the original dwellings beyond (Grasscroft and



Grasscroft Bungalow).

- 3.3 The neighbouring dwelling, Grasscroft which was associated with the haulage yard has also gained consent for the expansion of its domestic curtilage under 12/00219/CU. It is understood that the original approved site has now been split and sold as two separate development site. This current application site relates only to the land used as a grazing field.

Application Number	Proposal	Decision
12/00218/CU	Change of use of land from commercial/agricultural to residential, and erection of two residential detached dwellings	Approved
12/00219/CU	Change of use of land from commercial to domestic curtilage including the demolition of commercial store and maintenance building	Approved

#### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<p>Commented upon the increased numbers of vehicles using the privately managed access road (Borwick Avenue). The scheme will lead to significantly more vehicle movements over the surrounding public highway network. The limitation of carriageway alignment and reduced visibility along Borwick Lane is also noted. Suggested off-site highway improvements including hedgerow management, re-surfacing of the public right of way between Borwick Lane and Borwick Close. Implementation of white lining along Borwick Lane at its junction with Borwick Avenue, highway white lining at the change of speed classification.</p> <p>Following discussion with the Highway Authority over the reasonableness of the request, the scale of the off-site works has been refined to the implementation of white lining on Borwick Lane at its junction with Borwick Avenue.</p>
<b>Environmental Health</b>	No objections in principle, suggested conditions regarding hours of construction; unexpected land contamination and advice regarding radon gas.
<b>Tree Officer</b>	The scheme will need to be supported by an updated tree report which can be addressed by conditions requiring an Arboricultural Impact Assessment; a scheme for new tree planting to be submitted and agreed; and the retention of trees/hedges other than those previously agreed in writing with Local Planning Authority
<b>Area of Outstanding Natural Beauty Officer</b>	<p>Acknowledges that the site has consent for a single dwelling and results in the loss of a Greenfield site; indicates that the site is not as sensitive in landscape or biodiversity terms, and so development would allow other more sensitive locations to be protected and ideally represents an opportunity for more intensive development, preferably for local housing needs.</p> <p>Also comments regarding boundary treatments - the use of dry-stone walls and/or hedges are advocated. Also planting of new native hedges which would help mitigate the proposed removal of the hawthorn screening hedge close to the northern boundary of the site.</p>
<b>Conservation Officer</b>	The site lies outside Warton Conservation Area adjacent to the village bowling green. More distant views of the site viewed against the conservation area needs to be considered. The use of render/stone to the walls and slate roofs is considered acceptable subject to agreement of the precise external materials.
<b>Public Realm Officer</b>	No objections – Development will lead to a loss of potential amenity space, however the space is surrounded by houses; does not have public access; there is access to other space and the proposed/current houses in the area have good size gardens.
<b>Natural England</b>	Statutory nature conservation sites - No objections. Suggest more detailed discussion with the AONB office in respect of landscape protection

<b>United Utilities</b>	No comments received within the statutory timetable
<b>Parish Council</b>	Objection to the proposal on the grounds of difficulty entering and leaving the development via Borwick Lane. They feel because of the restricted visibility road traffic accidents could result.

## **5.0 Neighbour Representations**

5.1 12 letters have been received from nearby residents, the main concerns primarily relate to:-

- Highway and traffic concerns, including increase in traffic along private Borwick Avenue to the detriment of amenity and highway safety; dangerous access to Borwick Avenue;
- Road surface matters, including need to repair road surface if approved; and resistance to white-lining (More appropriate in urban areas);
- Overdevelopment of the site within the AONB
- Warton is not considered to be a sustainable village
- Drainage and Flooding concerns, including increased run-off for ground water and the potential effect on the lower properties on Borwick Road; and capacity of the foul drainage system in Borwick Lane;
- Amenity concerns, including out-of-keeping height of the new dwelling; increase in massing from previous scheme; possible overlooking compared to previous scheme;
- A resident of Borwick Avenue does not consider access rights are available for the use of the lane to access the site. The route into Grasscroft by heavy goods vehicles is considered to be concessionary and should now fall away as the yard is not in use.

## **6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles  
 Paragraph 32 – Access and Transport  
 Paragraphs 49 and 50 - Delivering Housing  
 Paragraphs 56, 58 and 60 – Requiring Good Design  
 Paragraph 115 - Areas of Outstanding Natural Beauty  
 Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

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

6.4 Development Management DPD (adopted December 2014)

DM20 – Enhancing Accessibility and Transport Linkages  
 DM22 – Vehicle Parking Provision  
 DM27 – Protection and Enhancement of Biodiversity  
 DM28 – Development and Landscape Impact  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM32 – Setting of Heritage Assets  
 DM35 – Key Design Principles  
 DM41 – New Residential dwellings  
 DM42 – Managing Rural Housing Growth

6.5 Lancaster District Local Plan (Saved Policies)

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

**7.0 Comment and Analysis**

7.1 The main issues are:

- Principle of the development
- Impacts upon residential amenity
- Highway Impacts
- Design and materials
- Impacts upon the conservation area and wider Area of Outstanding Natural Beauty (AONB)

**7.2 Principle**

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. Warton is not one of the settlements identified in this policy. However, the Council is adopting a more flexible approach and allowing residential development within settlements which contain some services sufficient for them to be considered to be sustainable. This is reflected in policy DM42 of the Development Management DPD. The approach of this policy is also in line with the more flexible position taken by the NPPF as opposed to the more restrictive policy in the Core Strategy.

7.2.2 Warton has a primary school, pubs, park, church and bus stops on a main bus route. As such, it is considered to be a sustainable location where small scale residential development would be supported. The site is well related to the existing built up development with housing to the north, south and east. Warton bowling green, a further community facility lies immediately to the west. The site does suffer from a poor footway linkage to the centre of the village. However, given the small scale of the proposal and the need for houses within the District, including the rural area, the development of housing in this location is considered to be acceptable in principle.

**7.3 Impacts upon Residential Amenity**

7.3.1 Concerns have been raised by a number of local residents over the change of the scheme from an approved single dormer bungalow to the current proposal for three detached two storey houses. Concerns relate to the increase in highway movements, scale/massing of the development and issues of privacy/overlooking.

7.3.2 In practice, each application must be considered on its own merits and planning history in itself does not necessarily prejudice the consideration of an application. In this case, it is acknowledged that the principle of developing this greenfield site for housing in the village of Warton has already been accepted in principle (12/00218/CU), but consideration will need to be given to the implications of the new scheme. The consideration of highway and design implications are covering in the following sections 7.4 to 7.6 below.

7.3.3 The properties to the south of development site enjoy good sized rear gardens approximately 18m in depth. In addition the dwellings are to be set back a minimum of 10m into the plot. The resulting separation at first floor is over 28m, well in excess of the minimum 21m adopted by the local planning authority. The ground floor separation distances are reduced with the introduction of a garden room to distance of around 24m. The boundary between the application site and the properties on Borwick Lane comprises a well-established boundary hedgerow and a number of semi-mature trees. The presence of such a boundary further limits loss of privacy/overlooking concerns.

7.3.4 Properties to the east are again set well-back from the site with a separation distance of over 30m to the gable of Plot 3. The relationship is further aided by the rising ground and the existing dwellings being sited at a significantly higher level than the application site. The mature privet along the western boundary of the site is also to be retained other than the section required to be lost for the new vehicle access into plot 3. The retention of the hedgerow can be addressed by condition.

7.3.5 The new dwelling to the north of the application site approved under 12/00218/CU will again enjoy a separation distance of over 24m and an elevation of 1.0m above the application site. In addition, the area between the dwellings is not private, encompassing the driveways to all the properties and their

respective front gardens.

7.3.6 The relationship of the new dwellings to the existing and proposed neighbouring dwellings is considered to meeting criteria set out in planning policy and not unduly detrimental to the amenity of neighbouring residential occupiers.

7.3.7 Immediately alongside the western boundary of the site and Plot 1 is the operational Warton bowling green. The bowling green is regularly used with floodlighting operating mainly at either end of the season until around 10pm in the evening. The main aspect to the dwelling in Plot 1 is front to back with only minor lounge windows facing the bowling green at ground floor and obscure glazed bathroom/en-suite to the upper floor. In addition the dwelling is set back some 5m from the boundary. The presence of a double garage at the front of the site also will help to limit impacts from the bowling green. A conditional requirement will be the agreement of boundary treatments both to the site and internally. There may be a need to consider the nature of any new boundary along this side of the site to ensure a reasonable level amenity of the new occupier is provided without detriment to either the aesthetics of the bowling green or the wider townscape.

#### 7.4 Highway Impacts

7.4.1 County Highways has not raised objection to the development but has commented upon increase in vehicle movement on the privately managed Borwick Lane as well as the limitations of the Borwick Avenue to Borwick Lane junction and the limited width of Borwick Lane - a view shared by a number of local residents and the Parish Council. As part of the consultation process, a number of highway improvements have been suggested by the Highway Authority including resurfacing of neighbouring footpath link and lowering of hedgerows to either side of the link in addition to white lining of the Borwick Avenue/Borwick Lane junction.

7.4.2 The scale and reasonableness of these works have been queried by both the applicant and the local planning authority. In concluding discussions with the Highway Authority it was confirmed that the proposed white lining at the junction of Borwick Lane with Borwick Avenue would be proportionate to the scheme. The white lining of the junction will help to define the junction form as well as alerting highway users of its presence. The applicant has confirmed acceptance to fund these works which would be addressed by way of condition to negate the need for a S278 Legal Agreement.

#### 7.5 Design and materials

7.5.1 The design of the dwellings has raised concerns with the local planning authority. The general height and massing is considered acceptable but the scheme as originally submitted, and to a lesser degree as currently presented, is not considered to be ideal. The proposal seeks to develop quite complicated building forms with hipped roof gable projections, external chimneys and smaller hipped roof single storey additions to create porches and garden rooms.

7.5.2 The resulting designs are considered to be very urban in form and not fully reflective of their general location within the Arnside and Silverdale AONB and the wider rural location. It is considered that the development of two storey dwellings in particular should be less complicated in appearance with simple forms and shapes. The resulting building need not provide any less floor area and accommodation but be provided in a simpler external envelope.

7.5.3 The applicant has been approached as part of the negotiation over the scheme with a request to revisit the scheme to simplify/improve its external appearance. Ideally, the amendments would reflect more closely the design of the approved two storey dwelling under planning consent 12/00218/CU (*slides will be shown at Committee indicating the 2012 approval*). Revised plans have been submitted which introduce additional areas of stone and simplify some of the window detailing. The gable elevation to Plot 3 facing Borwick Avenue has also been improved but the overall form of the dwellings has not changed. However, the dwellings are considered to have the use of sympathetic materials to the wider area with the use of slate roofs, render and detailing in limestone.

7.5.4 The neighbouring properties vary significantly in design, form and height. The dwellings range from two storey semi-detached houses (dashed walls under slate roofs) on the higher land to the northeast fronting Borwick Avenue to the lower more modern chalet bungalows with concrete roof tiles and white render walls facing Borwick Lane. It is considered that the proposed materials and overall height of the dwellings will sit comfortably within the wider townscape of this part of Warton.

## 7.6 Impacts upon the Conservation Area and wider Area of Outstanding Natural Beauty (AONB)

7.6.1 The application site is located outside but close to the southeast boundary of Warton Conservation Area. The boundary lies some 50m to the northwest of the site boundary following Church Walk. The bowling club lies between the Conservation Area and the application site. Properties along Church Walk reflect those around the application site with a mixture of semi-detached two storey houses and detached bungalows. There are current views out of the Conservation Area across the bowling club and the application site, currently an open field. This aspect will change with the introduction of three new dwellings. The new dwellings will reflect materials and broader building form of their neighbours, following the gentle slope rising south to north with the housing fronting Borwick Avenue sitting above.

7.6.2 Views from outside looking into the Conservation Area across the site will be predominantly restricted to the private views of the occupants of the elevated dwellings fronting Borwick Avenue. This aspect will change significantly from the current views over the open undeveloped land of the application site and to a lesser degree, given the distance, over the bowling green.

7.6.3 In responding to the internal consultation, both the Conservation Officer and the AONB Officer have considered the impact of the development, concluding that the development in the form proposed will not unduly effect the setting of the Conservation Area or the landscape of the wider AONB.

## 7.7 Other Matters

7.7.1 Access rights over Borwick Avenue – Vehicular and pedestrian rights over Borwick Avenue have been queried by a number of residents of Borwick Avenue, their understanding of the situation being that the current access rights only apply effectively on a concessionary basis and only for the use of heavy goods vehicles to service the haulage yard. The two residential properties, Grasscroft and Grasscroft Bungalow enjoy a separate access off Church Walk. The cessation of the haulage yard is considered to result in the cessation of the rights.

7.7.2 The issue of access rights has been raised directly with the applicant who has assured the local planning authority that such rights do exist and provided historical evidence of the contract.

7.7.3 Trees and Hedgerows - The development will result in the loss of a section of mature privet hedgerow to facilitate the access into Plot 3 off Borwick Avenue (Plots 1 and 2 will be served by an existing access off Borwick Avenue which then serves the individual plots). The northern boundary hedgerow will be removed to facilitate the site development. A number of semi-mature trees lie immediately along the southern boundary of the application site but within the garden areas of the dwellings on Borwick Lane. The application has been supported by an outdated tree report submitted as part of the earlier application in 2012. The Tree Officer has raised no principle objections to the scheme but would require the updating of the Arboricultural Impact Assessment to reflect the new scheme and its potential to impact remaining trees/hedgerows. It is considered that suitable conditions can address the requirements of the Tree Officer.

7.7.4 Contaminated Land - As part of the earlier application relating to the larger site, a full contaminated Land Assessment has been carried out and is seen to be acceptable by the Contaminated Land Officer. As this site relates to only the field element of the original planning consent the Contaminated Land Officer has raised no objections and has suggested an unforeseen contamination condition.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The principle of residential development has already been established with the granting of planning consent 12/00218/CU in 2012. The current scheme differs significantly from that approved for this site, originally a single large 5-bed dormer bungalow. The development now seeks consent for three detached two storey properties. As set out above the scale, massing and spatial arrangement of the dwellings is considered acceptable and meets requirements of the development plan. At issue is the

design of the properties. As submitted, the designs were considered to be overly-complicated and not respectful of their rural location and the AONB. The applicant has expressed an unwillingness to significantly alter the design of the dwellings but has amended some of the features of the dwellings, revising windows arrangement and introducing additional limestone elements.

- 9.2 However, it has to be acknowledged that the development lies outside Warton Conservation Area and is surrounded by a mixture of residential development forms, styles and ages. On balance, whilst the scheme is one which is considered could be significantly improved, given the presence of a mixture of housing types the relationship of the development to the immediate surrounds is not considered to be unduly detrimental. Subject to appropriate conditions and controls over materials and landscaping, the application can be supported.

### **Recommendation**

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

1. Standard 3 year timescale
2. Development to be completed in accordance with the approved plans
3. Amended plans received 26 June 2015
4. Parking areas to be provide and maintained
5. Submission agreement and implementation of a detailed Arboriculture Implications Assessment
6. No tree/hedges to be felled other than those agreed
7. Landscaping/planting scheme to be submitted, agreed and implemented
8. The hedgerow boundary to Borwick Avenue shall be retained at it current height of 2.0m unless otherwise agreed
9. Details/samples of all external materials to be submitted and agreed
10. Details of all boundaries including internal plot boundaries to be agreed
11. Details of construction and finish to windows and doors
12. Details of rainwater goods, eaves and fascia
13. Implementation of off-site highway works (white-lining) to be undertaken prior to occupation of the development.
14. The use of the garage to Plot 1 shall be ancillary to the dwelling only
15. Obscure glazing to be provided and maintained to all first floor gable windows
16. GDO tolerance removed window and door openings
17. GDO tolerances removed extension
18. Hours of construction
19. Unforeseen contamination

### **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 A10	Committee Date 27 July 2015	Application Number 15/00520/VCN
<b>Application Site</b>  Greaves Hotel Greaves Road Lancaster Lancashire	<b>Proposal</b>  Erection of 54 extra care apartments for the over 70s (use class C2) with associated landscaping & car parking (pursuant to the variation of conditions 2, 6 and 13 on planning permission 12/00632/FUL to amend the layout of the parking and external amenity space)	
<b>Name of Applicant</b>  YourLife Management Services Ltd	<b>Name of Agent</b>  Mrs Lorna Lloyd	
<b>Decision Target Date</b>  14 August 2015	<b>Reason For Delay</b>  N/A	
<b>Case Officer</b>	Mr Daniel Hewitt	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approve	

**(i) Procedural Matters**

This application is a variation of planning conditions previously imposed on the grant of planning permission for the redevelopment of the site (approved at planning appeal). Further details are set out in this report, but the principle of the redevelopment has been established by the planning permission.

**1.0 The Site and its Surroundings**

1.1 The application site relates to the former Greaves Hotel located approximately 1km south of Lancaster City Centre. The site is a rectangular shaped parcel of land covering 0.32 hectares with its primary frontage onto Greaves Road (A6) on its eastern boundary with secondary frontages onto Brunton Road to the north and Ash Grove to the west. The main vehicular access is off Ash Grove. The area surrounding the appeal site is predominantly residential with some commercial activity mostly at ground floor level in properties on the same side of Greaves Road. On the opposite side of Greaves Road lies the Greaves Road Conservation Area that contains terraces of fine, mid to late nineteenth century houses which, due to the local topography, stand prominently above the main road behind short front gardens and an elevated access road, Belle Vue Terrace.

**2.0 The Proposal**

2.1 The development is an assisted living scheme for the elderly (over 70's) over five storeys with a total floor area of 5,270 square metres. The accommodation comprises 54 "extra care" apartments - 34 one bedroom and 20 two bedrooms units, together with communal facilities including a residents lounge, function room, restaurant/kitchen, laundry, staff accommodation, refuse, cycle and scooter storage. This is a specialist form of accommodation designed to provide independent living for the frail elderly with day to day care in the form of domestic assistance, personal care and lifestyle support tailored to the owners' individual needs which is paid for through a service charge. The "extra care" concept enables the frail elderly to buy in care packages to suit their needs as they change over time. The average age on entry to the Assisted Living schemes operated by the applicant is 83 years.

- 2.2 Development has already commenced and the majority of the former hotel building has been demolished with only the retained façades on the site's north eastern corner remaining. It is important to note that the remainder of the site lies several metres below the level of Greaves Road behind retaining walls.
- 2.3 The applicant is seeking approval of a minor material amendment to the existing planning permission arising from the unanticipated need to incorporate a single storey sub-station building and leave a strip of land approximately 2.7 metres deep adjacent to 144 Greaves Road in the south western corner of the site that is not in the applicant's ownership. If approved, a new 'stand-alone' consent would be granted, for a revised development incorporating these elements.
- 2.4 The single storey substation is the subject of a separate application (ref: 15/00521/FUL) but clearly its addition requires the approved scheme to be amended to accommodate it and the inclusion of the retaining wall.
- 2.5 The sub-station is a relatively small, single storey building with a hipped roof with an internal floorspace of 16.3m<sup>2</sup>. The primary facing and roof materials used would be stone and slate to match the main building. The sub-station would be located adjacent to the blank gable of 1 Ash Grove ensuring no undue impact on residential amenity would occur.
- 2.6 The 2.7 metre deep strip of land running parallel to 144 Greaves Road's retaining wall is now excluded from the scheme.
- 2.7 Clearly, the additional land take arising from the inclusion of the sub-station and loss of land outside the applicant's ownership requires amendments to the layout. The proposed, revised layout retains the same number of on-site parking spaces (23) but does result in a significant reduction in the amount of outdoor amenity space for future residents at the rear of the building.

### **3.0 Site History**

- 3.1 The site has a long and complex planning history relating to its former use. The decisions relevant to this application are the extant planning permission granted at appeal for the comprehensive redevelopment of the site and the parallel full application for the proposed sub-station as follows:

Application Number	Proposal	Decision
12/00632/FUL	Erection of 54 extra care apartments for the over 70s (use class C2) with associated landscaping & car parking	Allowed on appeal Appeal ref: APP/A2335/A/13/2195739
15/00521/FUL	Erection of an electrical substation	Decision pending

### **4.0 Consultation Responses**

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

Consultee	Response
Environmental Health	No objection
County Highways	No objection
Tree Officer	No objection
Lancaster Civic Society	No response to date.

### **5.0 Neighbour Representations**

- 5.1 Three representations, all objections, from two local residents have been received. Their objections are summarised as follows:



- The proposals result in over-development;
- Insufficient car parking spaces are provided and will result in on-street parking pressures – two spaces per apartment should be provided equating to 108 spaces;
- The proposed building is too high, will overshadow neighbouring houses and be harmful to the health of local residents;
- Construction traffic is soiling the highway, damaging the road surface and resulting in structural damage to neighbouring houses;
- The applicant always knew a sub-station would be required;
- Non-compliance with conditions on the original planning permission:
  - demolition of more of the original building than agreed;
  - removal of all trees from site, despite some being protected;
  - no provision of parking for construction workers creating on-street parking problems;
  - closing parts of the public highway without the requisite consent;
  - no wheel washing facilities on site; and
  - construction hours of operation not being adhered to.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 17 - Core Principles

Paragraphs 32, 34, 35 and 39 - Sustainable Transport

Paragraphs 47-55 – Housing

Paragraphs 56, 57, 61, 62 - Design

Paragraph 69 - Communities

Paragraph 109 – Natural Environment

Paragraph 111 – Re-using previously developed land

Paragraph 118 – Biodiversity

Paragraphs 120-125 – Pollution control

Paragraphs 126-141 – Conserving and enhancing the historic environment

### **Lancaster District Core Strategy (LDCS)**

Policy SC1 - Sustainable Development

Policy SC2 - Urban Concentration

Policy SC4 - Meeting the District's Housing Requirements

Policy SC5 - Achieving Quality in Design

Policy SC6 - Crime and Community Safety

Policy E2 - Transportation Measures

### **Development Management (DM) DPD**

NPPF1 – Presumption in favour of sustainable development

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM22 – Vehicle Parking Provision

DM27 – Protection and Enhancement of Biodiversity

DM29 – Protection of Trees, Hedgerows and Woodland

DM31 – Development affecting Conservation Areas

DM35 – Key Design Principles

DM41 – New Residential Development

DM45 – Accommodation for Vulnerable Communities

### **Other relevant planning policies and documents**

Meeting Housing Needs SPD

National Planning Practice Guidance

## **7.0 Comment and Analysis**

7.1 Given this application is a minor material amendment to an extant planning permission, the main issues relevant to the determination of this application are as follows:

- Principle of development
- Impact of the proposed changes on the setting of the Greaves Road Conservation Area
- Car parking provision
- Loss of outdoor amenity space and landscaping
- Design quality
- Amenity of nearby residents
- Responses to objections received

### **7.2 Principle of development**

Although this is an application to vary planning conditions attached to the extant planning permission for the development, the effect of approval would be the grant of a new, stand-alone planning permission for the development as a whole. It is therefore important to consider whether any new planning policies or material considerations exist that would justify reaching a different overall conclusion to the Planning Inspector who granted planning permission for the development on 24 September 2013.

In conclusion, the Inspector noted at Paragraph 29 of his report that:

*“The proposed development would provide specialist residential accommodation, with care packages available, to enable the frail elderly to retain a degree of independent living in their own homes in a highly sustainable location. As such the development would contribute to meeting the increasing extra care needs of the elderly who are recognised as a growing demographic sector both locally and nationally. Although there would be a reduction in the sense of openness and some loss of views locally, these impacts would be outweighed by the social, economic and environmental benefits of this highly sustainable development”.*

Since the grant of planning permission, the Development Management Development Plan Document was adopted in December 2014 which effectively replaced a number of development plan policies contained within the Lancaster District Core Strategy (adopted 2008) and Lancaster District Local Plan (adopted 2004). In addition, National Planning Policy Guidance was published on 06 March 2014 which replaced numerous national planning practice guidance documents. Despite a different planning policy context, it is considered that the Inspector’s conclusion - that the development as whole remains a *“highly sustainable development”* in accordance with the development plan - remains valid. The presumption in favour of sustainable development set out in paragraph 14 of the NPPF and Policy NPPF1 of the DM DPD therefore applies in this case.

Detailed matters arising from the changes to scheme are assessed below.

### **7.3 Impact of the proposed changes on the setting of the Greaves Road Conservation Area**

When assessing the original proposals, the Inspector noted in paragraph 11 of his report that *“the proposal would not adversely affect important views into and across the Conservation Area and would preserve its setting”* in accordance with local and national policy requirements.

The sub-station is set back from the primary Greaves Road frontage by in excess of 30 metres and given the substantial drop in ground level it is not considered to affect the setting of the Greaves Road Conservation Area. Similarly, the changes arising from the exclusion of the strip of land adjacent to 144 Greaves Road, though closer, do not affect the setting of the Conservation Area. The proposed development is therefore considered acceptable in this regard.

### **7.4 Car parking provision**

When assessing the original proposals, the Inspector noted in paragraph 21 of his report that:

*“Given the specialist nature of the accommodation which would appeal to residents in need of care, and the excellent public transport services available adjacent to the development, it is highly likely that many residents would give up their cars on entry or*

*shortly afterwards. The appellants argue that 23 spaces, managed in accordance with a Car Park Management Plan to be secured by a condition, would be sufficient to meet the everyday needs of residents, staff and visitors. I have no convincing reason to disagree.”*

The revised layout arising from the proposed changes to the scheme retains the same number of on-site car parking spaces (23 spaces including 5 disabled bays) that were deemed sufficient by the Inspector given the nature of the use and the site's highly sustainable location. The proposed number of spaces is considered to comply with the Council's parking standards both in respect of the overall number of spaces and the proportion of dedicated disabled bays. In addition, the applicant has submitted a Car Park Management Plan essentially identical to existing approved plan that would be controlled by condition which commits the operator to:

- allocate spaces through a permitting regime to be managed by Estate Manager leaving some unallocated for visitors etc.;
- promote sustainable travel options by issuing travel packs to residents containing public transport information etc.;
- review the permitting regime and car park management plans should on-street parking problems arise; and
- provide additional two car parking spaces if required, subject to the approval of the local planning authority.

It is recommended that the existing car parking provision condition be updated and attached to any grant of planning permission that would require the proposed parking provision to be provided in full prior to first occupation or use of the development, its retention at all times thereafter for use exclusively for parking purposes and its ongoing management in accordance with the revised Car Park Management Plan dated April 2015. Subject to the above, the proposed development is considered acceptable in this regard.

#### 7.5 **Loss of outdoor amenity space and landscaping**

The land lost to the proposed sub-station, the exclusion of land on the periphery of the site outside the applicant's ownership and the repositioning of car parking spaces has inevitably led to the loss of some communal outdoor amenity space at the rear of the building. Whilst this is an unfortunate consequence of the proposed amendments, the amount of usable outdoor amenity space is considered adequate for the proposed use. In addition to relatively small areas of outdoor space at ground floor level, the development also incorporates a large roof terrace on the rear elevation at third floor level whilst twelve of the apartments would also benefit from small private balconies. The site is also in close proximity to public open space, including Greaves Park which lies only 50 metres to the north east. Overall, it is considered that the proposed level of outdoor amenity space will meet the needs of the end users in accordance with Policies DM35 and DM45.

Although the amount of usable outdoor space is limited, the applicant has retained the principles of the previously approved landscaping scheme to include generous amounts of tree planting concentrated along the perimeter of the site ensuring the visual impact of the building is softened and the character and appearance of the area is respected in accordance with Policy DM35 of the DM DPD. Conditions are recommended requiring the submission, approval and implementation of a detailed landscaping scheme.

#### 7.6 **Design quality**

When assessing the original proposals, the Inspector noted in paragraph 13 of his report that:

*“I conclude that the proposed development, utilising high quality materials secured by a condition, would be a well designed contemporary building which would reaffirm the importance of the form of the existing hotel in the street scene. The scale of the new wing when seen from Greaves Road and Belle Vue Terrace would reflect the local terraces, and the articulation of the facades would enhance local distinctiveness. The proposed scheme of landscaping around the development would further enhance the appearance of the development and the street scene.”*

The details of materials, including new stonework, and other detailed design matters secured by conditions attached to the original consent have already been approved and will ensure a high

quality development is delivered that enhances local distinctiveness. It is therefore recommended that conditions securing the same outcome are attached to any approval.

**7.7 Amenity of nearby residents**

When assessing the original proposals, the Inspector noted in paragraph 19 of his report that “*the development would not have a significant impact on the amenity of nearby residents*”. Given the detailed design of the building remains unchanged, there is no reason to reach a different conclusion on amenity grounds providing the condition requiring certain windows in the new building to be obscure glazed is retained as set out in the recommendation.

**7.8 Concerns from local residents regarding the build and construction**

As reported above, objections to the application have been received. In response to these, Officers advise that the quantum of built form remains largely unchanged and is considered acceptable; that the applicant has sought to retain the amount of car parking approved at appeal, which is sufficient; that all other design, scale and massing issues were considered appropriately at appeal; all planting removed from the site was agreed by Officers (evidence was provided demonstrating that the two remaining trees on the site’s Ash Grove frontage, originally marked for retention, should be removed as they were damaging the retaining boundary stone wall. A structural report was submitted to substantiate their claims) and a detailed landscaping scheme incorporating the amendments is included in the list of conditions.

7.9 Removal of more than the original building was considered necessary to ensure that the retained façade remained structurally sound. The Local Planning Authority has been informed that materials have been retained and the façade will be rebuilt on a like for like basis in accordance with the approved plans. Any departure from the approved plans would require a separate application.

7.10 With regards to the issues regarding construction management, a condition attached to the extant consent required the submission, approval and implementation of a Construction Method Statement (CMS). A CMS has been submitted and approved and it is recommended that a condition requiring full compliance with the approved CMS is attached to any further approval. The approved CMS includes a commitment to provide wheel washing facilities on site to prevent mud and spoil spilling out onto the public highway. Both this and the alleged damage to the road surface and closure of the public highway without the requisite (County Council) consent have been reported to colleagues at the County Council. A planning enforcement case has also been opened to investigate any breach of conditions.

**8.0 Planning Obligations**

8.1 There are no planning obligations attached to the extant planning permission (granted at appeal) and none are necessary to make the proposals acceptable in planning terms.

**9.0 Conclusions**

9.1 This application seeks approval for minor material amendments to an extant planning permission (granted on appeal) arising from the originally unanticipated need to incorporate a single storey sub-station building and to prevent any incursion onto land associated with the retaining side wall of 144 Greaves Road that is outside the applicant’s ownership. If approved, a new ‘stand-alone’ consent would be granted for a revised development incorporating these amendments.

Despite the representations received from local residents and a different planning policy context, it is considered that the Inspector’s conclusion – that the development as whole remains a “*highly sustainable development*” in accordance with the development plan - remains valid. The presumption in favour of sustainable development set out in paragraph 14 of the NPPF and Policy NPPF1 of the DM DPD therefore applies in this case. Members are therefore recommended to grant planning permission for the revised scheme subject to the conditions set out below.

**Recommendation**

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

1. Approved plans – existing condition amended to include amendments etc.

2. Use restriction limited to an Extra-care, Assisted Living facility – retained
3. Operational Management Plan – retained but updated to refer to approved plan
4. Vehicular access detail - retained but updated to refer to approved details
5. Car parking provision – retained but updated to refer to revised plans and Car Park Management Strategy
6. Secure cycle storage and changing facilities - retained but updated to refer to approved details
7. Off-site highway works – added to ensure agreed works are implemented prior to first occupation
8. Construction Method Statement - retained but updated to refer to approved details
9. Details of new stonework - retained but updated to refer to approved details
10. Stonework cleaning - retained but updated to refer to approved details
11. Materials samples - retained but updated to refer to approved details
12. Boundary treatments - retained but updated to refer to approved details
13. Landscaping scheme – retained
14. Landscaping Implementation and Maintenance – retained
15. Bat survey and mitigation measures – retained but updated to refer to approved details
16. Ecological mitigation and enhancements - retained but updated to refer to approved details
17. Contamination - retained but updated to reflect details already approved
18. Contamination (Imported soils) – added after receiving confirmation from the applicant that imported soils would be used
19. Noise mitigation – retained
20. Obscure glazing - retained

**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 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

## Quarterly Reports

- (a) **Planning Application Determination Timescales**  
*The table provides performance figures for the determination of Major Applications, Minor Applications and Other Applications in accordance with national timescales.*
- (b) **Number of Planning Applications and Related Cases**  
*The table lists the number of planning applications and other planning application-related cases that are received by the Development Management Service per quarter.*
- (c) **New Tree Preservation Orders Made**  
*The table lists the location of new Tree Preservation Orders (TPOs) made during the last quarter.*
- (d) **Number of Applications for Works to Trees**  
*The table lists the number of Tree Works applications received in respect of protected trees (protected by TPO or by Conservation Area status)*
- (e) **Planning Appeal Decisions**  
*The table lists the planning appeal decisions issued by the Planning Inspectorate during the last quarter.*

## (a) Planning Application Determination Timescales

*NB: The figures below do not include applications where mutual agreement has been reached to extend the determination period.*

Period	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
January-March 2014	75%	69%	78%
April-June 2014	72%	57%	70%
July-September 2014	83%	67%	67%
October-December 2014	71%	37%	58%
January-March 2015	65%	48%	66%
April-June 2015	44%	41%	63%
Year	Major Applications Determined In Under 13 Weeks	Minor Applications Determined In Under 8 Weeks	Other Applications Determined Under 8 weeks
2011 Average	30%	50%	60%
2012 Average	39%	55%	66%
2013 Average	62%	64.5%	81%
2014 Average	75%	57.5%	68%
2015 (To Date) Average	54.5%	44.5%	64.5%

## (b) Number of Planning Applications and Related Cases

	Jan-Mar 2014	Apr-Jun 2014	Jul-Sep 2014	Oct-Dec 2014	2014 TOTAL	Jan-Mar 2015	Apr-Jun 2015	Jul-Sep 2015	Oct-Dec 2015	2015 TOTAL
Major Applications	17	14	16	23	<b>70</b>	10	15			
Minor Applications	57	73	70	51	<b>251</b>	71	49			
Other Applications	202	179	181	165	<b>727</b>	179	226			
Discharge of Planning Condition Applications	49	46	42	39	<b>176</b>	48	56			
Non-Material Amendment Applications	7	10	12	10	<b>39</b>	11	11			
Variation of Legal Agreement/Condition Applications	3	0	1	0	<b>4</b>	2	2			
Prior Approval (Commercial/ Householder PA, Flexible Use etc) Applications	5	10	17	4	<b>36</b>	16	19			
<b>TOTAL NUMBER OF APPLICATIONS</b>	<b>340</b>	<b>332</b>	<b>339</b>	<b>292</b>	<b>1303</b>	<b>321</b>	<b>378</b>			
Environmental Screening and/or Scoping Opinions	6	8	9	16	<b>39</b>	4	7			
Infrastructure Planning Commission Consultations	0	0	0	0	<b>0</b>	0	0			
Pre-Application Advice Submissions or Charged Meetings	-	-	-	4	<b>4</b>	24	47			



(c) New Tree Preservation Orders Made

Tree Preservation Order Number	Date Made	Location	Extent of Protection
550 (2015)	10 June 2015	Land at Forge Lane, Halton with Aughton	Woodland
551 (2015)	15 June 2015	Farleton Close, Warton	4 Areas of Woodland
552 (2015)	17 June 2015	296 Torrisholme Road, Lancaster	2 Individual Trees

(d) Number of Applications for Works to Trees

	Applications for Works to Trees Protected by Tree Preservation Orders	Applications for Works to Trees Protected by Conservation Area Status
January-March 2014	26	23
April-June 2014	10	14
July-September 2014	14	20
October-December 2014	19	25
<b>TOTAL APPLICATIONS 2014</b>	<b>69</b>	<b>82</b>
January-March 2015	21	18
April-June 2015	19	16
July-September 2015		
October-December 2015		
<b>TOTAL APPLICATIONS 2015</b>	<b>-</b>	<b>-</b>



## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
14/00776/ADV	Site For Fast Food Takeaway Unit, Caton Road, Lancaster Advertisement application for the display of 1 no. internally illuminated gateway, 9 no. internally illuminated and 17 no. non-illuminated freestanding signs for McDonalds Restaurant Ltd (Lower Lune Valley Ward)	Application Permitted
14/00778/ADV	Site For Fast Food Takeaway Unit, Caton Road, Lancaster Advertisement application for the display of one internally illuminated free standing pole sign for McDonalds Restaurant Ltd (Lower Lune Valley Ward)	Application Refused
14/00779/ADV	Site For Fast Food Takeaway Unit, Caton Road, Lancaster Advertisement application for the display of 7 no. internally illuminated fascia signs for McDonalds Restaurant Ltd (Lower Lune Valley Ward)	Application Permitted
14/00944/CU	52 Middleton Road, Heysham, Morecambe Change of use of existing store building to form new Post Office (Use Class A1) with two storey extension and creation of new residential flat above (Use Class C3) and change of use of existing Post Office to ground floor residential flat (Use Class C3) for Mr Jasdev Thind (Heysham South Ward)	Application Refused
14/01163/FUL	Land At, Selby Lane, Melling Part retrospective application for retention of a concrete base and septic tank and the change of use of land to site a caravan for holiday use for Mrs Rebecca Mc Quoid (Upper Lune Valley Ward)	Application Refused
14/01166/FUL	Ireby Green, Woodman Lane, Ireby Change of use of existing (restricted) holiday caravan site to permit all-year around holiday occupation for Mr John Welbank (Upper Lune Valley Ward)	Application Permitted
14/01214/FUL	Imperial Hotel, Regent Road, Morecambe Change of use from public house (A4) to 8 residential units (C3) and office space (B1) with manager's accommodation for Mr John Ward (Harbour Ward)	Application Withdrawn
14/01301/FUL	Land Adjacent To The Bungalow, Westcliffe Drive, Morecambe Erection of 4 dwellings for Mr William Daw (Westgate Ward)	Application Refused
14/01313/FUL	JJ Metcalfe Ltd, White Lund Avenue, Morecambe Retrospective application for the retention of four shipping containers and two portable buildings for Mr Jeffrey Metcalfe (Westgate Ward)	Application Permitted
14/01336/CU	Glen Tarn, Blea Tarn Road, Lancaster Change of use of land from touring caravan site to form holiday static caravan site for up to 23 caravans for Mr Jim Daly (Ellel Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

14/01349/ADV	Laund Fields, Stoney Lane, Galgate Advertisement application for the display of one non-illuminated panel board sign and four flagpoles and flags for Mr Daniel Golland (Ellel Ward)	Application Refused
15/00019/DIS	Tramway Hotel, 127 St Leonards Gate, Lancaster Discharge of conditions 3 and 4 on approved application 14/00804/LB for Mr Mustaq Mister (Bulk Ward)	Initial Response Sent
15/00021/FUL	13 Skipton Street, Morecambe, Lancashire Change of use application from guest house/owners accommodation (C1/C3) to 2 self-contained maisonettes and 1 self-contained flat (C3) for Mrs J. Wade (Poulton Ward)	Application Permitted
15/00031/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Partial discharge of requirement 28 (Construction and environmental management plan) on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Emma Heywood (Overton Ward)	Request Completed
15/00035/FUL	30 Stuart Avenue, Morecambe, Lancashire Erection of a two storey side extension with single storey extension to the rear. for Mr Robin Proud (Bare Ward)	Application Permitted
15/00059/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 16 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00063/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 37 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00063/FUL	Low Lodge, Long Level, Cowan Bridge Retrospective application for the retention of annexe ancillary to Low Lodge for Mr I Konczynski (Upper Lune Valley Ward)	Application Permitted
15/00066/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 31 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00067/FUL	32A Parliament Street, Lancaster, Lancashire Change of use of retail unit (A1) to student accommodation comprising 6 studio flats (C3), 3 2-bed cluster flats (C4) and alterations to the front elevation for LPNM Ltd (Bulk Ward)	Application Permitted
15/00068/DIS	The Hawthorns Caravan Park, Main Road, Nether Kellet Discharge of condition 3 on approved application 14/01359/FUL for Mr Deryck Wright (Kellet Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00071/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 18 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00072/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 23 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00075/DIS	Royal Hotel, 15 Emesgate Lane, Silverdale Discharge of conditions 4, 5, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18 and 19 on planning permission 14/00815/FUL for Mr Michael Holgate (Silverdale Ward)	Initial Response Sent
15/00077/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 20 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00080/DIS	Old Roof Tree Inn, Middleton Road, Middleton Discharge of conditions 4, 5, 6, 8, 9 and 10 on approved application 11/00713/LB for Mr Nigel Brunt (Overton Ward)	Request Completed
15/00083/DIS	Long Moor Farm, Procter Moss Road, Over Wyresdale Discharge of conditions 5, 6, 7, 8, 9, 10, 11, 12 and 13 on planning permission 14/00573/CU for Mr Phil Brewer (Ellel Ward)	Initial Response Sent
15/00084/DIS	Long Moor Farm, Procter Moss Road, Over Wyresdale Discharge of conditions 7, 8, 9 and 10 on planning permission 14/00574/FUL for Phil Brewer (Ellel Ward)	Initial Response Sent
15/00089/DIS	Vantage Motors (Skoda), White Lund Estate, Morecambe Discharge of conditions 4, 5, 6 and 7 on approved application 14/00945/FUL for Vantage Motor Group (Westgate Ward)	Initial Response Sent
15/00092/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 30 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Miss Pippa Doodson (Overton Ward)	Request Completed
15/00099/FUL	Morecambe Dingy And Angling Club, Cumberland View Road, Heysham Retrospective application for the retention of 2.8 metre high boundary fence and gate for Mr Wayne Friend (Heysham North Ward)	Application Permitted
15/00102/DIS	Old Malt House, Melling Road, Melling Discharge of condition 3 on previously approved application 15/00009/LB for Mr JAC Beeson (Upper Lune Valley Ward)	Request Completed
15/00104/DIS	City Lab, 4 - 6 Dalton Square, Lancaster Discharge of condition 3 on approved application 14/01370/LB for Mr. David Barton, Lancashire County Council (Castle Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

15/00108/DIS	Top Moor, The Gars, Wray Discharge of conditions 3, 4 and 11 on approved application 14/01172/FUL for Mrs L Taylor (Lower Lune Valley Ward)	Request Completed
15/00111/CU	52 Ullswater Road, Lancaster, Lancashire Change of use of public house living accomodation to two 2-bed flats (C3) for Mr R Mohmed (Bulk Ward)	Application Permitted
15/00162/FUL	5 Townsfield, Silverdale, Carnforth Demolition of existing extension and conservatory and erection of a single storey rear extension for Mr & Mrs C. McCoy (Silverdale Ward)	Application Permitted
15/00170/ADV	Vauxhall, White Lund Estate, Morecambe Advertisement application for the display of 6 internally illuminated fascia signs, 1 internally illuminated totem sign, 1 internally illuminated entrance collar, 1 internally illuminated free standing sign and 6 non illuminated signs for Mr Scott McMurray (Westgate Ward)	Application Permitted
15/00191/FUL	1 Intack Bungalows, Long Dales Lane, Nether Kellet Erection of a single storey front extension for Mr & Mrs James & Elsie Ward (Kellet Ward)	Application Permitted
15/00194/CU	2 Intack Bungalows, Long Dales Lane, Nether Kellet Change of use of agricultural land to domestic curtilage, erection of a single storey front extension, creation of a new access track and erection of a detached garage for Mr & Mrs John & Muriel Ward (Kellet Ward)	Application Permitted
15/00205/FUL	10 Sea View Drive, Hest Bank, Lancaster Erection of a single storey rear extension and raising of the roof to facilitate the creation of first floor accommodation for Mr & Mrs W. Hine (Bolton and Slyne Ward)	Application Permitted
15/00229/FUL	2A Coach Road, Warton, Carnforth Demolition of existing bungalow, erection of a replacement 3 bed dwelling and creation of a new access for Mr & Mrs S Hurst (Warton Ward)	Application Permitted
15/00268/FUL	75 Parkfield Drive, Lancaster, Lancashire Erection of a 2 storey side extension, demolition of existing conservatory and erection of a single storey replacement for Ms Vanessa Lyon (Scotforth West Ward)	Application Permitted
15/00295/FUL	Spokeshave, Post Horse Lane, Hornby Erection of a single storey link extension to the side elevation for Mr & Mrs R. R. J. Lownes (Upper Lune Valley Ward)	Application Permitted
15/00300/FUL	8 Airedale, Galgate, Lancaster Construction of a dormer to the front elevation and installation of a roof light to the rear for Mr & Mrs J Faulconbridge (Ellel Ward)	Application Permitted
15/00304/FUL	14 Gardner Road, Warton, Carnforth Construction of a dormer window to the rear elevation for Mr P Doey (Warton Ward)	Application Permitted
15/00319/FUL	Banks Lyons Jewellers, 38/40 Church Street, Lancaster Alterations to windows and window sills of shopfront for Banks Lyon Jewellers Ltd (Castle Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00324/FUL	Ringers Hill Barn Ringers Hill, Back Lane, Wennington Installation of a biomass boiler and flue to the rear elevation for Mr & Mrs John Reid (Upper Lune Valley Ward)	Application Permitted
15/00334/ADV	15 Middlegate, White Lund Estate, Morecambe Advertisement application for one fascia sign with internally illuminated lettering, two wall signs with internal illumination and two freestanding internally illuminated signs. for Mr Mark Robinson (Westgate Ward)	Application Permitted
15/00338/ELDC	Moorlands Cottage, Slaidburn Road, Lowgill Existing Lawful Development Certificate for the use of Moorlands Cottage as a separate dwelling. for Mr Christopher Oldfield (Lower Lune Valley Ward)	Application Permitted
15/00349/LB	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Listed building application for the installation of timber louvres to the bell chamber for Ms Liz Nichols (Scotforth West Ward)	Application Permitted
15/00351/FUL	Outwood, Main Street, Arkholme Erection a new porch to the front, erection of an outbuilding with glazed link to the side, addition of timber cladding, creation of a new hardstanding area and erection of a new garden wall with sliding gates for Mr David Ogden (Kellet Ward)	Application Permitted
15/00358/CU	31-35 China Street, Lancaster, Lancashire Change of use from shop (A1) to sushi bar and restaurant (A3) for Dr Sandra Awanis (Castle Ward)	Application Permitted
15/00362/CU	37 Sun Street, Lancaster, Lancashire Change of use of restaurant (A3) to offices (B1) and installation of new and replacement windows and doors to the side and front elevations for Mr Iain Crabtree (Castle Ward)	Application Permitted
15/00367/FUL	12 Westbourne Road, Lancaster, Lancashire Erection of first floor rear extension on steel columns for Mr John Roff (Castle Ward)	Application Permitted
15/00379/FUL	24 The Meadows, Yealand Redmayne, Carnforth Erection of single storey link between dwelling and outbuilding and construction of a pitched roof over the link and outbuilding for Mrs Lisa Hool (Silverdale Ward)	Application Permitted
15/00390/NMA	Land Forge Bank Mill Mill Lane Halton-With-Aughton, Mill Lane, Halton Non-material amendment to approved application 12/00140/FUL to reduce width of turbine house from 7m to 6.5m, omit solar PV panels, install 3 rooflights in the south roof slope, extend handrails and erect a low stone wall for Mr J Blowes (Halton With Aughton Ward)	Application Permitted
15/00392/FUL	32 Firbank Road, Lancaster, Lancashire Erection of a detached garage for Mr Keith Dawson (Bulk Ward)	Application Permitted
15/00393/FUL	Workshop, 57 Wordsworth Avenue, Bolton Le Sands Retrospective demolition of a workshop and erection of a 2-bed dwelling with associated landscaping for Mrs J Harrison (Bolton and Slyne Ward)	Application Permitted



LIST OF DELEGATED PLANNING DECISIONS

15/00409/LB	66 Market Street, Lancaster, Lancashire Listed building application for works to facilitate the conversion of first and second floors into two self-contained flats for Mr Michael Baxter (Castle Ward)	Application Permitted
15/00422/FUL	31 Sykelands Avenue, Halton, Lancaster Erection of a side extension, construction of a front porch and construction of a dormer window to the rear elevation for Mr Samuel Lloyd (Halton With Aughton Ward)	Application Permitted
15/00423/FUL	11 Townsfield, Silverdale, Carnforth Demolition of existing garage and replacement of a two storey side extension, erection of a single storey rear extension and raising of existing rear outrigger roof for Ms Sarah Wales (Silverdale Ward)	Application Permitted
15/00433/FUL	133 Slyne Road, Bolton Le Sands, Carnforth Demolition of the existing first floor rear extension and construction of a hip to gable extension with a dormer window to the rear elevation for Mr R. Wilson (Bolton and Slyne Ward)	Application Permitted
15/00435/FUL	33 Woodville Street, Lancaster, Lancashire Erection of a fence to the rear boundary for Mr G Haddock (Bulk Ward)	Application Permitted
15/00438/CU	165 West End Road, Morecambe, Lancashire Change of use of ground floor shop (A1) to form a ground floor flat (C3) and erection of a two storey side extension for Mr R. Wilson (Harbour Ward)	Application Permitted
15/00444/FUL	26 Greenways, Over Kellet, Carnforth Demolition of existing garage, erection of a replacement garage and erection of a single storey extension to the rear for Mr & Mrs M MacKay (Kellet Ward)	Application Permitted
15/00447/FUL	Faraday Building, Physics Avenue, Lancaster University Erection of a single storey building to form a physics research building for Mrs Helen Wood (University and Scotforth Rural Ward)	Application Permitted
15/00450/LB	The Dower House, Thurnham Hall, Lancaster Road Listed building application for the repair and replacement of existing windows to all elevations for Mr Stuart Hunter (Ellel Ward)	Application Permitted
15/00452/FUL	Belmont Farm, Hasty Brow Road, Slyne Erection of milking parlour and collecting yard including roof for Mr John Hoggarth (Slyne with Hest Ward)	Application Permitted
15/00453/FUL	Belmont Farm, Hasty Brow Road, Slyne Construction of a silage clamp for Mr John Hoggarth (Bolton and Slyne Ward)	Application Permitted
15/00460/FUL	1 Beech Road, Halton, Lancaster Erection of a single storey outbuilding to the side for Mr Jeff Stobbart (Halton with Aughton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00461/FUL	6 The Moorings, Mowbrick Lane, Hest Bank Construction of a dormer window to the front elevation, installation of two rooflights and solar panels to the rear elevation and alterations to the first floor front and rear windows for Mrs Mary Piper (Bolton and Slyne Ward)	Split Decision
15/00464/FUL	14 Peacock Crescent, Hest Bank, Lancaster Erection of a front porch for Mrs J. Halbard (Bolton and Slyne Ward)	Application Permitted
15/00474/CU	Richmond Bank, Caton Green Road, Brookhouse Change of use of agricultural land to domestic curtilage, erection of two single storey extensions to the front elevation, access ramp to the rear and erection of a detached garage for Mr & Mrs Birkett & Joan Platts (Lower Lune Valley Ward)	Application Permitted
15/00476/CU	Land East Of Conder View, Wyresdale Road, Quernmore Change of use of agricultural land into domestic curtilage for Victoria Auld & John Davies (Lower Lune Valley Ward)	Application Permitted
15/00478/FUL	75 Willow Lane, Lancaster, Lancashire Erection of a single storey rear extension for Mr Duncan Moore (Castle Ward)	Application Permitted
15/00479/FUL	Rose Cottage, Main Street, Arkholme Demolition of lean-to and garage and erection of single storey and two storey extensions to the rear, erection of a new garage/workshop and erection of a summerhouse for Dr Thomas O'Neill (Kellet Ward)	Application Permitted
15/00480/LB	Rose Cottage, Main Street, Arkholme Listed Building application for demolition of lean-to, erection of single storey and two storey extensions to the rear, installation of secondary glazing and shutters to all windows, new balustrade to staircase, removal of 2 internal walls, creation of 2 internal door openings, installation of a secondary double front door, raising and lowering small sections of the ground floor, replacement rear window, alterations to ceilings, removal of modern fireplaces and replacement rainwater goods for Dr Thomas O'Neill (Kellet Ward)	Application Permitted
15/00483/FUL	76 Vale Road, Lancaster, Lancashire Erection of a two storey side extension, single storey extensions to the front and rear, detached garage to the rear for Mrs B Ellershaw (Skerton East Ward)	Application Permitted
15/00492/CU	Unit 3, Lyne Riggs Estate, Lancaster Road Change of use of light industrial building (B1) to a day school (D1) for Mrs Catherine Horner (Carnforth and Millhead Ward)	Application Permitted
15/00497/PLDC	29 Town End Way, Halton, Lancaster Proposed lawful development certificate for the conversion of garage into habitable room for Mr Gareth Briggs (Halton with Aughton Ward)	Lawful Development Certificate Granted
15/00504/FUL	30 Cloughton Drive, Lancaster, Lancashire Erection of a two storey side and rear extension and construction of access ramps to the front and rear for Mrs Jenna Humpage (Scotforth East Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

15/00507/VLA	The Coach House And The Shippen, Waterslack Road, Silverdale Variation of legal agreement attached to planning permission 01/90/0585 to remove holiday let restriction at The Coach House and The Shippen to allow the use as two permanent residential dwellings for Mr Brian Hevey (Silverdale Ward)	Application Refused
15/00515/PAM	Vodafone 3799 Whittam House, Oxcliffe Road, Heysham Prior approval application for a replacement 17.5m high monopole for WHP Wilkinson Helsby - Acquisition Design And Construction (Westgate Ward)	Prior Approval Not Required
15/00516/FUL	Upper Greenbank House, Procter Moss Road, Abbeystead Erection of an agricultural building to house livestock and a midden area for Mr & Mrs Dawson (Ellel Ward)	Application Permitted
15/00518/CU	The Barn, Wyresdale Road, Quernmore Change of use of part of paddock to domestic curtilage and the erection of a detached garage for Mr & Mrs Gareth Catterson (Lower Lune Valley Ward)	Application Permitted
15/00523/CU	438 Heysham Road, Heysham, Morecambe Retrospective change of use from residential care home (C2) to dwelling (C3) for Mrs Susan Guite (Heysham South Ward)	Application Permitted
15/00527/ADV	Homebase, Unit 2, Hilmore Way Advertisement application for the display of one internally illuminated vinyl flexface box for Argos Ltd (Harbour Ward)	Application Permitted
15/00528/FUL	Unit B , 12 Spring Garden Street, Lancaster Change of use of cafe (A3) to assessment centre (D1) for Mr Ian Berry (Castle Ward)	Application Withdrawn
15/00530/FUL	Red Bank Farm Caravan Camp, The Shore, Bolton Le Sands Replacement of existing septic tank for Mr Mark Archer (Bolton and Slyne Ward)	Application Permitted
15/00531/FUL	30 Scotforth Road, Lancaster, Lancashire Creation of a new access and dropped kerb, and excavation of part of front garden to create a parking space for Mrs Jacqueline Nye (Scotforth West Ward)	Application Refused
15/00533/LB	60 Main Road, Bolton Le Sands, Carnforth Listed building application for the removal of a window to the side elevation and infilling of opening for BCS Accountants (Bolton and Slyne Ward)	Application Permitted
15/00535/ADV	Brookfield View Pharmacy, Main Road, Bolton Le Sands Advertisement application for the display of an externally illuminated fascia sign, an externally illuminated projecting sign and non-illuminated menu board for Bestway Group (Bolton and Slyne Ward)	Application Permitted
15/00540/FUL	21 Gaisgill Avenue, Morecambe, Lancashire Erection of a conservatory to the side elevation for Mr D Hepworth (Westgate Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

15/00541/FUL	30 Gleneagles Drive, Lancaster, Lancashire Erection of a two storey rear extension for Mr & Mrs J Dodd (John O'Gaunt Ward)	Application Permitted
15/00542/FUL	7 Fern Bank, Lancaster, Lancashire Demolition of existing rear extension and erection of a replacement single storey rear extension, replacement window to the second floor and installation of three rooflights to the rear elevation for Mr & Mrs W Pye (Scotforth West Ward)	Application Permitted
15/00543/FUL	57 Morecambe Road, Morecambe, Lancashire Construction of a dormer window to the side elevation for Mr S O'Connor (Torrisholme Ward)	Application Permitted
15/00549/FUL	1 Aberdeen Road, Lancaster, Lancashire Erection of a second storey rear extension for Mr Chris Brown (John O'Gaunt Ward)	Application Permitted
15/00560/FUL	4 Hadrian Road, Morecambe, Lancashire Erection of a single storey and two storey extension to the rear elevation for Mr & Mrs D Rumney (Torrisholme Ward)	Application Permitted
15/00575/FUL	34 Greenwood Avenue, Bolton Le Sands, Carnforth Erection of a single storey extension to the side and rear elevations for Mr P Jackson (Bolton and Slyne Ward)	Application Permitted
15/00577/ELDC	12 The Meadows, Cowan Bridge, Carnforth Existing Lawful Development Certificate for the use of 1 holiday cottage to be used as unfettered residential dwelling for The Meadows Management Co Ltd (Upper Lune Valley Ward)	Application Refused
15/00582/FUL	56 Rylstone Drive, Heysham, Morecambe Retrospective application for the retention of 2 roof lights to the side elevation for Mr T. Woodhouse (Heysham Central Ward)	Application Permitted
15/00584/PAM	Vodafone 33529 At Alhambra, Yorkshire Street East, Morecambe Prior approval to upgrade existing rooftop telecommunication installation with associated works for WHP Wilkinson Helsby - Acquisition Design And Construction (Harbour Ward)	Prior Approval Not Required
15/00588/FUL	50 Emesgate Lane, Silverdale, Carnforth Erection of a replacement shed for Mrs A Chatburn (Silverdale Ward)	Application Permitted
15/00594/ADV	44 King Street, Lancaster, Lancashire Advertisement application for the display of two non-illuminated fascia signs and one non-illuminated window sign for Mr (Castle Ward)	Application Permitted
15/00603/FUL	6 Yealand Drive, Lancaster, Lancashire Erection of a two storey side extension and single storey rear extension for Mr Jim Duncan (Scotforth East Ward)	Application Permitted
15/00604/FUL	169 Torrisholme Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs D. Parkin (Skerton West Ward)	Application Permitted
15/00605/FUL	167 Torrisholme Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs C. Mahood (Skerton West Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/00606/FUL	196 Coastal Road, Bolton Le Sands, Carnforth Installation of new roof to existing utility room for Mr S Hunter (Bolton and Slyne Ward)	Application Permitted
15/00607/FUL	194 Coastal Road, Bolton Le Sands, Carnforth Erection of a single storey rear extension for Mr C Gates (Bolton and Slyne Ward)	Application Permitted
15/00612/AD	North Farm, Moss Road, Heaton With Oxcliffe Agricultural determination for the demolition of existing building and erection of an extension to existing agricultural building for Mr Alan Bargh (Overton Ward)	Prior Approval Not Required
15/00613/FUL	North Farm, Moss Road, Heaton With Oxcliffe Construction of extension to existing silage clamp for Mr Alan Bargh (Overton Ward)	Application Permitted
15/00616/FUL	Hare Appletree Farm, Quernmore Brow, Quernmore Erection of replacement agricultural building for Mr Andrew Metcalfe (Lower Lune Valley Ward)	Application Permitted
15/00629/FUL	16 Montrose Crescent, Heysham, Morecambe Erection of a single storey front extension for Mr D Clapham (Heysham South Ward)	Application Permitted
15/00634/LB	44 King Street, Lancaster, Lancashire Listed building application for the fitting of two non-illuminated fascia signs and one non-illuminated window sign for Bestway Group (Castle Ward)	Application Permitted
15/00636/FUL	34 Slyne Road, Morecambe, Lancashire Erection of a 2 storey front extension, single storey side extension and detached garage to the rear for Mr & Mrs C. Parker (Torrisholme Ward)	Application Withdrawn
15/00648/PAM	Anchor Building, 1 Penrod Way, Heysham Prior Approval application for the replacement of existing 15m column with 17.5m monopole for Damian Hosker (Heysham South Ward)	Prior Approval Not Required
15/00659/AD	The Blands, Old Moor Road, Wennington Agricultural Determination for the erection of an agricultural building for Mr A McClements (Lower Lune Valley Ward)	Application Withdrawn
15/00700/ELDC	1 Edenbrook Cottages, Crag Bank Road, Carnforth Existing Lawful Development Certificate for use of adjacent land as a garden for Mr Robin Loxam (Carnforth and Millhead Ward)	Lawful Development Certificate Granted
15/00732/AD	Field Adjacent Kenwood , Whitebeck Lane, Priest Hutton Agricultural Determination for the erection of an agricultural storage building for A And L Robinson (Kellet Ward)	Prior Approval Not Required
15/0075/TPO	Lathom House , Bridge Road, Lancaster Crown lift x3 trees to a maximum height of 3m above ground level for . (Scotforth West Ward)	Application Permitted
15/00762/NMA	44 Church Hill Avenue, Warton, Carnforth Non-material amendment to planning permission 15/00126/FUL to reduce the size of the approved extension for Mr N. Newton (Warton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/0077/TPO	Longcroft, Westbourne Road, Lancaster Selective branch removal affecting a single, mature beech tree for . (Castle Ward)	Application Permitted
15/00775/PREONE	Cherry Trees, Woodwell Lane, Silverdale Erection of a 3 bed detached dwelling for Mark Atkinson (Silverdale Ward)	Closed