



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: MONDAY, 21 SEPTEMBER 2015

Venue: LANCASTER TOWN HALL

Time: 10.30 A.M.

A G E N D A

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

1 Apologies for Absence

2 Minutes

Minutes of meeting held on Monday 24th August 2015 (previously circulated).

3 Items of Urgent Business authorised by the Chairman

4 Declarations of Interest

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

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

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

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

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on Community Safety issues. Where it is considered the proposed development has particular implications for Community Safety, this issue is fully considered within the main body of the report on that specific application.

Category A Applications

Applications to be dealt with by the District Council without formal consultation with the County Council.

| | | | | |
|---|------------------------|---|------------------------------------|------------------------|
| 5 | A5 15/00587/OUT | Land Off, Marsh Lane And Main Street, Cockerham | Ellel Ward | (Pages 1 - 11) |
| | | Outline application for the erection of up to 25 residential dwellings for Mr P Hewitt | | |
| 6 | A6 15/00720/REM | Land Opposite Greendale Drive, Mill Lane, Warton | Carnforth and Millhead Ward | (Pages 12 - 21) |
| | | Reserved Matters application for the erection of 21 residential dwellings with associated access for L & W Wilson | | |
| 7 | A7 15/00854/VCN | Laund Fields, Stoney Lane, Galgate | Ellel Ward | (Pages 22 - 30) |
| | | Outline application for residential development of up to 50 dwellings (pursuant to the variation of conditions 5 and 19 and removal of condition 11 on outline planning permission 12/00834/OUT to alter the extent and timing of the off site highway works, to refer and adhere to the most up to date ecology appraisal and to remove the requirement for the dwellings to comply with level 3 of the Code for Sustainable Homes) for Mr Chris Gowlett | | |
| 8 | A8 15/00855/VCN | Laund Fields, Stoney Lane, Galgate | Ellel Ward | (Pages 31 - 39) |
| | | Reserved Matters application for 50 dwellings and associated roads and landscaping (pursuant to conditions 4 & 6 on Reserved Matters consent 14/01105/REM relating to external window/door reveals to change from 70mm to 50mm and an updated Arboricultural Impact Assessment and Method Statement) for Mr Chris Gowlett | | |

| | | | | |
|-----------|-------------------------|--|-------------------------|----------------------------|
| 9 | A9 15/00626/FUL | Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe | Overton Ward | (Pages 40 - 42) |
| | | Change of Use of land for siting static caravans for holiday occupation 11 months of the year from 1st March to 31st January for Britaniacrest Ltd | | |
| 10 | A10 15/00449/FUL | Bank Barn, Crag Road, Warton | Warton Ward | (Pages 43 - 50) |
| | | Erection of a detached dwelling with associated new access and a detached garage for Mr Paul Edmondson | | |

Category D Applications

Applications for development by the City Council

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|-----------|---|---|------------------------|----------------------------|
| 11 | A11 15/00807/FUL | 1 - 3 High Street, Lancaster, Lancashire | Castle Ward | (Pages 51 - 54) |
| | | Installation of 6 replacement external doors and 2 replacement windows for Mr Tom Greenwood | | |
| 12 | A12 15/00440/LB | 1 - 3 High Street, Lancaster, Lancashire | Castle Ward | (Pages 55 - 57) |
| | | Listed building application for the installation of 6 replacement external doors and 2 replacement windows for Mr Tom Greenwood | | |
| 13 | Delegated Planning Decisions (Pages 58 - 67) | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors Susie Charles (Substitute), Mel Guilding (Substitute), Tim Hamilton-Cox (Substitute), Geoff Knight (Substitute), Richard Newman-Thompson (Substitute), David Smith (Substitute) and Nicholas Wilkinson (Substitute)

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

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

Published on Wednesday 9 September 2015.

| Agenda Item A5 | Committee Date 21 st September 2015 | Application Number 15/00587/OUT |
|--|---|------------------------------------|
| <p align="center">Application Site</p> <p align="center">Land Off Marsh Lane And Main Street Cockerham Lancashire</p> | <p align="center">Proposal</p> <p align="center">Outline application for the erection of up to 25 residential dwellings</p> | |
| <p align="center">Name of Applicant</p> <p align="center">Mr P Hewitt</p> | <p align="center">Name of Agent</p> <p align="center">Mr Avnish Panchal</p> | |
| <p align="center">Decision Target Date</p> <p align="center">Time extension agreed till 30th October 2015</p> | <p align="center">Reason For Delay</p> <p align="center">Relocation of the access point / amended plans/ re-consultation</p> | |
| <p>Case Officer</p> | <p align="center">Mr Mark Potts</p> | |
| <p>Departure</p> | <p align="center">No</p> | |
| <p>Summary of Recommendation</p> | <p>Approve subject to applicant signing a Section 106 Agreement.</p> | |

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 1.35 hectare parcel of open agricultural land located to the south side of Marsh Lane (A588), positioned behind Main Street and The Old Smithy (a cul-de-sac of three detached dwellings) and north of the village football/recreation grounds. Land to the southwest is open countryside predominately used for grazing. Cockerham is a relatively-small rural settlement predominately built up along either side of Main Street creating a very linear settlement pattern. It is located approximately 8.8km south of Lancaster City Centre, 3.3km south west of Galgate and circa 6.8km north of Garstang.
- 1.2 The site is largely unconstrained, but is designated as 'countryside area' in the saved Lancaster District Local Plan. It is not positioned within a flood risk area; it is not protected by any landscape or nature conservation designation; it is not within an area recognised as a designated heritage asset (such as conservation area/schedule ancient monument site); there are no protected trees within the site and the land is not constrained by any underground infrastructure (such as gas pipelines etc), albeit there is United Utilities public sewer to the east of the site.
- 1.3 The site represents an open undulating greenfield site used for grazing. It is notably elevated above properties to the northeast (The Old Smithy) and Marsh Lane to the northwest. The highest point of the site is approximately 20m above Ordnance Datum (AOD) in the northern corner of the site, and the lowest part at approximately 15m AOD along the south-western boundary. The site is practically at-grade with land to the south-east. There is an access track which is hard surfaced and provides the main vehicular access to the Grade II* listed church some 220m south west of the site. This access track is also a dedicated public right of way (Footpath 15). From the church, Footpath 15 connects to a network of other footpaths (FP25 and FP24) that provide access into the open countryside towards Cocker Wood and the River Cocker.
- 1.4 Surrounding land uses consist of residential development, recreation/community development and open countryside.
- 1.5 The boundary treatments along the eastern boundary consists of an open post and wire fence (above a retaining wall to The Old Smithy), at its highest point with native hedgerows running the

length between the public right of way to The Old Smithy. A low post and wire fence separates the site from the public right of way which runs along the southern boundary. To the other side of the access track lies the village recreation/football grounds where there are approximately 12 mature trees lining the access track to the church. To the east of the football field lies the Parish Hall and its car park, with access to a children's play area and tennis/basketball courts. Off-road access can be gained to the local primary school. The western boundary is lined with trees beyond which is undulating countryside.

- 1.6 Access to the site is proposed to the north-west boundary off Marsh Lane (A588). Marsh Lane currently enjoys a 40mph speed limit through the village which soon increases to 60mph beyond the application site. There was however a planning condition imposed on planning permission 13/01018/FUL, requiring the reduction in speed from 40mph to 30mph through the village. This is currently being implemented by the County Council. The proposed access will therefore enter the revised 30mph zone with the 60 mph zone located circa 10 metres to the south west
- 1.7 The A588 also forms part of the strategic cycle network (on road route – northern loop) and is locally popular with motorcyclists. There are bus stops located either side to the splitter island north east of the application site. Bus service 89 operates along this route and provides a moderate level of service between Knott End and Lancaster.

2.0 The Proposal

- 2.1 The applicant seeks outline planning permission for the erection of up to 25 dwellings with layout, appearance, scale and landscaping reserved for subsequent approval. The applicant seeks approval at this outline stage for the proposed access.
- 2.3 An indicative layout drawing has been provided which shows an access taken off Marsh Lane with the development concentrated in two thirds of the site closest to the existing settlement.

3.0 Site History

- 3.1 The only relevant planning history is set out in the table below. The previous application was withdrawn for a number of reasons but mainly because of a lack of information in relation to highways, flood risk, trees and conservation considerations. The Environmental Impact Assessment (EIA) thresholds recently changed no longer requiring residential schemes under 150 dwellings and on sites less than 5ha to be screened. The Council's previous Screening Opinion for a larger number of units concluded the proposal was not EIA development in any event.

| Application Number | Proposal | Decision |
|---------------------|---|---------------------|
| 14/00856/OUT | Outline application for the development of up to 35 residential dwellings | Withdrawn |
| 14/00874/EIR | Screening Opinion for development of up to 35 residential dwellings | Not EIA development |

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------------------|--|
| Parish Council | Object - on the basis of safety concerns on Marsh Lane, factual errors in the report on public transport, housing survey is not numerically sound and the drainage is not sufficient. The Parish Council also raise concerns regarding the consultation period and the number of amended plans that have been submitted during the application process. |
| County Highways | Initially objected to the scheme, however based upon a revised access location together with the proposed off site highway works, offer no objection subject to planning conditions. |
| Environmental Health | No objections subject to conditions relating to hours of construction, dust control, a contaminated land assessment, and the bunding of tanks. |

| | |
|---|---|
| Planning Policy | No Objection – support the development in principle, and the lack of a five year housing supply should be a key consideration as should the scale of the development and its relationship with the existing settlement of Cockerham. |
| Strategic Housing Officer | No Objection – the applicant undertook their own housing needs survey in January 2015. It is clear from the Housing Needs Survey 2011 however that there is a significant need for affordable housing across the district including rural parishes. Careful consideration needs to be applied at the time of the reserved matters application that the proposed affordable housing scheme is offering an appropriate tenure and mix of dwellings to meet local need. |
| County Education | No Objection – subject to a contribution of £120,296 towards the provision of 10 primary school places. |
| Conservation Officer | No Objection – in view of the distance, existing physical features, landform and stone walls separating the proposed site from the heritage assets, it is not considered that any undue impact will be created. |
| City Council Engineer | No Objection in principle and supports the use of sustainable urban drainage systems (SUDS) on site. A detailed drainage design and layout should be conditioned, along with surface water management during construction. |
| United Utilities | No Objection - the site should be drained on a separate system with foul draining to the public sewer and surface water in the most sustainable way, sustainable means of surface water drainage should be considered and a public sewer crosses the site and an easement is required, although the indicative plan has accounted for this. A number of conditions are recommended relating to foul and surface water. |
| Environment Agency | No objection to the proposed development, however foul drainage should be connected to the main sewer. |
| Lead Local Flood Authority | Following the receipt of further clarification from the applicant, No Objection subject to recommended conditions regarding; development to be in accordance with Flood Risk Assessment; drainage scheme to be agreed at Reserved Matters stage; a condition requiring Surface Water management and maintenance plan. |
| Tree Protection Officer | No objection subject to landscaping conditions. |
| Natural England | No Objection , the application is in close proximity to the Lune Estuary Site of Special Scientific Interest (SSSI) however based on the details of the application not adverse impacts will occur. |
| Lancashire Constabulary | No Objection but recommends that the reserved matters scheme is developed with secured by design security standards. |
| Greater Manchester Ecology Unit | No Objection - however hedgerow loss should be compensated for by new hedgerow planting and proposes conditions. |
| Strategic Planning Policy (County) | No observations received |
| Public Realm Officer | No objections to the scheme, recommends a contribution of £20,000 towards off-site amenity/equipment. |
| Public Rights of Way (County) | No objection |
| Civil Aviation Authority | No observations received within the timescales |
| Black Knights Parachute Centre | No observations received within the timescales |

5.0 Neighbour Representations

5.1 At the time of compiling this report there has been 78 representations received (it is noted that some of these are from the same household, and some are from the same local resident in relation to amended plans), all of which are in opposition to the scheme. The reasons for objections include:

- Inadequate information to reach a decision and legitimacy of the supporting reports;
- Highway and traffic concerns, including proposed sightlines, adequacy of existing road infrastructure; limited public transport; misleading facts regarding bus service provision;
- Site is not allocated for residential development; and has sufficient development already;

- Issues regarding housing need - the social housing scheme in the village is not all occupied; the scheme fails to address local housing needs; already a number of properties for sale in the village.
- The scheme should be supported by a Landscape and Visual Appraisal;
- Cockerham is a historic rural village, and the visual impact will spoil the village's outlook and layout;
- Detrimental impact upon St Michaels Church;
- Inadequate drains and sewerage to accommodate the development;
- Overbearing development;
- Significant impact on the dwellings on the Old Smithy;
- Increase in noise;
- Affects Public Rights of Way;
- Contrary to National and Local Planning Policies;
- Ecological Impacts.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32, 34 and 38 Access and Transport
Paragraphs 49, 50 and 55 - Delivering Housing
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 103 – Flooding
Paragraphs 109, 115,117,118 – Conserving the Natural Environment
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Lancaster District Core Strategy (adopted July 2008)

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

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

E4 – Countryside Area

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
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

6.5 Other Material Considerations

- National Planning Practice Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement

7.0 Comment and Analysis

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

- Principle of development
- Housing Supply/ Housing Needs
- Affordable Housing
- Highways
- Landscape and Visual
- Residential Amenity
- Flooding, Drainage and Land contamination
- Trees and Hedgerows
- Cultural Heritage
- Open Space/ Education
- Aviation

7.1.1 Principle of development

7.1.2 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 SC1). Policy DM42 of the adopted Development Management DPD identifies a number of rural settlements that the Council considers sustainable villages and can support new housing development in principle. Cockerham is listed in this policy.

7.1.3 Cockerham’s inclusion within this policy is based on the services contained within the village and equally importantly the accessibility of other services within other nearby local settlements. The table below highlights how accessible the site is to some local services:

| Service/Facilities | Description | Distance from application site (closest point) |
|-----------------------|---|--|
| Primary School | Cockerham Primary School Main Street | Approx. 150m |
| Parish Hall | Cockerham Parish Hall with day nursery and football ground | Approx. 20m |
| Church | St Michael's Church | Approx. 220 metres |
| Public House | The Manor Inn, Main Street | Approx. 85m |
| Bus Stops | Lancaster Road, 2 stops – (both directions), outside The Manor Inn Public House | Approx. 110m to all nearby stops |
| Cycle Link | Northern Route Number 0 Strategic Cycle Network – Lancaster Road | Immediately adjacent to site |

7.1.4 Policy DM42 does indicates that in all cases, proposals for new residential development on non-allocated sites must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development; and,
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.1.5 Notwithstanding other technical issues, it is considered that the development is well related to the built form of Cockerham (being adjacent to the settlement) and the scheme is considered to be of a scale and character which is proportionate to Cockerham. Given none of the infrastructure consultees have objected to the development, the opinion is that the environment and infrastructure can accommodate the proposed development and the site is of a size whereby (at reserved matters stage) a high quality scheme could be devised which is complimentary to the character and quality

of the landscape. It is therefore concluded that the scheme conforms to the requirements of Policy DM42 of the DM DPD.

7.2 **Housing Supply / Housing Needs**

7.2.1 The NPPF requires local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The most recent housing land supply and delivery position for the district is described in the 2015 Housing Land Supply Statement (July 2015), which sets out that only 3.3 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last 11 years. 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 there is not a 5 year supply of deliverable housing. It should also be noted that as part of the Council's preparation of its Land Allocations DPD, the emerging evidence base in relation to objectively assessing housing needs (the Strategic Housing Market Assessment (SHMAA) and the SHLAA) identifies a gap of approximately 5,000 dwellings.

7.2.2 As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery and in particular those that are deliverable should be considered favourably.

7.2.3 The applicant, at the request of the Local Planning Authority (LPA), undertook their own housing needs assessment. A questionnaire was distributed to approximately 400 households in the local area, with 56 returned forms. The results demonstrate there is a desire for new homes in Cockerham in the form of 3-4 bedroom units. The exact mix would be determined through a reserved matters application.

7.3 **Affordable Housing**

7.3.1 A number of local representations raise the issue that there is already an oversupply of affordable homes in the village and to approve any further would be unnecessary. These properties are associated with the recently-built 'Village Road' development that was approved in January 2014 (13/01018/FUL) which has been developed by Adactus Housing Group and consist of 17 units (three of which are affordable rent with the remainder shared ownership). Whilst residents are correct that at the time of writing many of these properties remain unoccupied, this is due to the criteria-based approach that is imposed in connection with this permission. In the first instance this offers these properties to those who have immediate connections to Cockerham, then surrounding parishes, then any other parishes and finally households with a connection to the district. There have also been issues associated with mortgage-lending on these properties which has slowed progress. The Council are engaged with the Registered Provider to ensure that these units are allocated to those most in need of the affordable units, however to date there has been more applications than properties and therefore it is clear that there is a need for affordable homes in Cockerham and this is echoed by the Council's Strategic Housing Officer.

7.3.2 The submission sets out that 40% affordable housing will be provided on site and 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. The Council's Housing Strategy officer is supportive of further affordable units as it is unlikely that the existing provision will satisfy current and future need. It is considered at the time of the reserved matters application careful consideration of the proposed affordable scheme to define the appropriate tenure and mix meets the local demand. The additional provision of 10 affordable homes is a positive and should be considered strongly in the balancing exercise.

7.4 **Highways**

7.4.1 The scheme proposes the provision of a new access off Marsh Lane using sightlines based on 2.4 metres x 90 metres towards Cockerham and 2.4 metres x 160 metres towards Pilling. Therefore at this outline stage it needs to be considered whether the local highway network can accommodate the vehicle movements associated with the provision of 25 new dwellings, and also whether the access proposed is a safe means of access. The applicant's original access position was considered unacceptable to County Highways due to inadequate sightline towards Cockerham. Amended plans now show a relocation of the access point 20 metres to the west, and County Highways now raise no

objection to the scheme, subject to the imposition of a variety of highway-related conditions. It is therefore considered that that access point is acceptable from a highways perspective.

- 7.4.2 The applicants commissioned a speed survey on Marsh Lane to obtain prevailing vehicle speeds. This involved an automatic traffic counter (ATC) installed (close to the National Speed Limit sign), for the period of two full days between the 16th and 17th December 2014. During the planning application process following correspondence from local residents regarding the increased use of the road during the summer months, Lancashire County Council as highway authority undertook their own survey, albeit in a slightly different location (more central to Cockerham).
- 7.4.3 The County Council results show an increase in vehicle numbers over the submitted count information of between 250–280 vehicles per day. The 85th percentile vehicle speeds show a reduction in speeds from the low to mid-50's (applicants data) to the high-30's (LCC data) which would indicate that the majority of drivers are adhering to the current 40mph speed limit, (albeit the LCC equipment was located more centrally within the 40mph zone, whereas the applicants equipment close to the National Speed Limit sign). Residents had concerns regarding vehicle overtaking in contravention of the double white line markings in the westbound direction. The results varied between 3 vehicles on a Saturday to 24 vehicles on a Friday.
- 7.4.4 As part of the amended proposals the applicant has proposed some off-site highway works which essentially consist of two new central traffic islands to prevent overtaking, one located to the west of the site and one to the east. These works are considered essential to provide a safe means of access on and off Marsh Lane. This will have a benefit on the safety of highway users currently using Marsh Lane and can be secured by condition to be undertaken via a Section 278 Highway Agreement. These works are considered acceptable to County Highways.
- 7.4.5 As part of the scheme for the Village Road development, there was a requirement to lower the speed limit from 40 mph to 30mph, and this extended to just past the site boundary. At the time of writing the Traffic Regulation Process has near completed, and therefore the new speed limit on the access/egress point will be 30mph. Whilst many of the local community have continued to raise concern regarding the safety on Marsh Lane, given the various amendments that have occurred through the application process, County Highways no longer object to the development and therefore on highway grounds there is no justifiable reason as to why this application cannot be supported and it is considered that the local highway network can accommodate the development and there are no highway safety concerns subject to the provision of planning conditions.
- 7.4.6 Concerns have been raised regarding incorrect details contained within the supporting documentation regarding the provision of bus services in the locality, particularly a bus service to Garstang. Whilst it is apparent that there was some errors in the submission, the fact remains there are bus stops in close proximity to the site. The natural way to ensuring there are further bus services, or an increase in frequency is for there to be more users on that route and therefore whilst resident concerns are justified and it was unfortunate that this information was included, it is not a reason for the refusal of this scheme.
- 7.4.7 A public right of way is located to the south of the site and as part of the indicative layout it is proposed that there will be a connection to the existing way of way. The County Council's Public Rights of Way officer has offered no objection to the scheme and it is considered that the detail of this can be determined through the Reserved Matters process.

7.5 **Landscape and Visual**

- 7.5.1 Given the proposed location there will be a material visual change in the way the landscape is viewed from the surrounding public vantage points. Footpath 15 to the south of the site will witness a marked change associated with users who use this footpath, as there will be with views from Marsh Lane and Main Street. The access location will inevitably lead to a marked change for users of Marsh Lane as essentially the access will be through the existing embankment to the site. Officers had concerns previously when the location was to cut through one of the highest sections of the bank; however it is now considered (with the amended location which has a lesser visual impact) that the access is acceptable subject to detailed methods of construction and landscaping to be secured by means of planning condition. The introduction of up to 25 dwellings with associated highway infrastructure will impinge upon the natural openness of the landscape and it is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously

recognised greenfield character, however a change from open land to a developed area is not necessarily harmful as the impact is localised and due to the proximity of the site to the existing built form, it will represent an extension to the settlement as opposed to an isolated new community.

7.5.2 Policy DM28 of the DPD and the NPPF seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). Policy DM28 states that outside of protected landscapes the council will support development which is of scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. Given this is an outline application, matters associated with siting, design, materials and external appearance of landscaping will be determined at the reserved matters stage should this be supported.

7.5.3 The proposal will lead to an inevitable change in character of the application site, however, through careful landscaping at the reserved matters stage, the retention of existing trees, together with careful design, the proposal will be able to appear well-connected to the existing settlement. On balance, it is contended that the visual impacts would not significantly or demonstrably outweigh the benefits of the proposal. It must also be recognised, that if the nationally important designated sites are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected and are well related to existing sustainable settlements are the landscapes most likely to accommodate future development.

7.6 **Impact on Residential Amenity**

7.6.1 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. Therefore at this stage, it needs to be determined whether 25 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 together with some indicative cross sections.

7.6.2 Given the scheme is in outline no details of the type of dwellings have been proposed, however the applicant has stated that the site will be predominately 2-storey which would be in keeping with Cockerham. The nearest residential properties are located at the Old Smithy which consist of three detached properties with views across the open countryside. Officers had concerns with the original proposed layout due to initially proposing dwellings that would have been located 13 metres from off-site dwellings; concerns were also raised due to the inherently inward-looking nature of the proposals. As part of the amended plans some of these weaknesses have been addressed and interface distances has been increased and the scheme is more outward-facing and garden sizes increased. Concerns from the local community have been raised regarding level differences and this is accepted, however given the outline nature of the proposals, levels will need to be determined during the course of the reserved matters application and therefore conditions can be imposed to require this level of detail. Given the density of the proposals it is considered that through the reserved matters application that a well devised scheme could be achieved and therefore whilst there will be a change to residential amenity the benefits of the proposal outweighs this in the planning balance.

7.7 **Flooding, Drainage Matters and Land Contamination**

7.7.1 The site is within Flood Zone 1 which has the lowest probability of flooding (less than 1 in 1,000 annual probability of river or sea flooding <0.1%). However given the size of the site, a site specific flood risk assessment (FRA) was required in support of the application.

7.7.2 The FRA demonstrates that the site is at a low risk of flooding and the applicant has provided an indicative drainage strategy, which demonstrates the site can be drained suitably using SUDS features given the favourable ground conditions present. The Lead Local Flood Authority, the Council's own drainage engineer, United Utilities and the Environment Agency have raised no objections on flood risk/drainage grounds; subject to appropriate conditions to secure a suitable scheme design and implementation. At this indicative stage it is proposed that highway drainage would be collected via a large soakaway with individual soakaways in the rear of gardens, and therefore the proposals can be considered acceptable subject to conditions whereby the detail would be developed when the layout is designed. The proposal is therefore compliant with Policies DM38 and DM39 of the DM DPD.

7.7.3 A number of local residents and the Parish Council have raised concerns about the existing drainage both in surface water drainage terms and secondly in terms of foul water. Given that none of the statutory consultees object to the development there are no reasons as to why this scheme cannot be supported on the basis of flooding and drainage matters subject to planning conditions requiring the details to be submitted to be agreed by the LPA.

7.7.4 Environmental Health Officers have no objections, subject to the imposition of conditions. These namely relate to working practices, but it is requested that should permission be granted a planning condition is imposed requiring a contaminated land assessment. The site is greenfield and therefore not considered at application stage to pose a significant risk, however as the site will have been subjected to fertilizers it is considered appropriate should permission be granted to impose a condition requiring a report to be submitted.

7.8 **Trees and hedgerows**

7.8.1 The site is well screened especially when travelling along Marsh Lane. To facilitate the access there would be the loss of two trees at the site entrance which consist of a June Berry and Rowan, together with an (approximate) 20-metre section of existing hedgerow. All other trees on the site are proposed to remain. On the basis of the Tree Report, the development could be accommodated without significant implications on trees, subject to appropriate planning conditions including details of site levels, a Tree Protection Plan, Arboricultural Method Statement and details of landscaping. Additional tree planting will also be required to improve the appearance of the proposed access and the applicant has submitted details to show compensatory hedgerow together with proposed planting of the site access together with the provision of some species rich hedgerows to replace the hedgerow lost. 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.

7.8.2 Visually it is important to retain as much landscaping as possible along Marsh Lane and the application plans show this would be the case. The Tree Protection Officer, despite having some concerns regarding the originally submitted material now offers no objection subject to conditions.

7.9 **Cultural Heritage**

7.9.1 The application has been accompanied by a heritage statement given the proximity of the Grade II* church of St Michael which lies approximately 220 metres to the south west of the application site and the Grade II listed Cockerham Hall located 90 metres to the north of the proposed boundary of the site. Therefore it needs to be determined whether the setting would be compromised by allowing the approval of this scheme. The Council's Conservation Officer is of the opinion that because of the distance, existing physical features, landform and stone walls separating the proposed site from the heritage assets it is not considered there would be any undue impact created. Recommendations have been made to use appropriate materials for the area which can be secured as part of the reserved matters application.

7.9.2 The applicant has included provision within the scheme for an open vista to the church and given the response of the Conservation Officer it is not considered that there would be any substantial harm to the setting of either Cockerham Hall or St Michael's Church, subject to an appropriate design and use of materials at the reserved matters stage.

7.10 **Open Space Provision and Education Provision**

7.10.1 The scheme proposes open space provision on the site, however it does not propose on-site play equipment. The precise details will be determined at the Reserved Matters stage but the details shown on the indicative layout are considered to be acceptable with the reserved matters stage to provide for 455m² of open space. The Council's Public Realm Officer has also requested a contribution of **£20,000** which would be put towards the maintenance and upkeep of parks and gardens, children's play areas, young people's facilities and outdoor sports facilities in the local area.

7.10.2 There have been concerns raised regarding the capacity of the local primary school from the local community, and the County Council as education authority have assessed the need and requested an educational contribution of **£120,296** which is for the provision of 10 primary school places, however it is considered that there is no requirement for any contributions towards secondary school

places. The applicant is amenable to providing the above contributions and this can be suitably controlled by means of a Section 106 agreement.

7.11 Aviation Matters

7.11.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres will not be permitted. The Civil Aviation Authority and the Black Watch Parachute Centre have both been consulted and to date have not provided any response to the scheme. It is considered that the principle of development would not pose a danger to aircraft or parachutists, and in any event would be consulted on the detail at the reserved matters stage.

8.0 Planning Obligations

8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability)
- The payment of **£120,296** towards the provision of 10 primary school places;
- Contribution of **£20,000** towards offsite amenity space/equipment;
- Long term maintenance of open space, drainage and landscaping.

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the agreed extended period for decision-making (i.e. before 30 October 2015).

9.0 Conclusions

9.1 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision-taking (paragraph 14, NPPF). The principle of residential development in Cockerham is acceptable on the basis that the village is an identified rural sustainable settlement under Policy DM 42. Whilst the proposal will result in the loss of a greenfield site, it is appropriately located within the village and would not lead to a disproportionate extension to the settlement; the landscape character would change as a consequence of the development but the change would not be significant and very localised; the design and layout on would be considered under a reserved matter application, as would delivering public open space and improving connections to the village centre; the proposal seeks to retain the principal trees and hedgerows and proposes additional landscaping to mitigate losses; the site will incorporate a sustainable drainage system which will ensure the site is not at risk of flooding and there is no flood risk elsewhere. Despite concerns to the contrary, the proposed development can be safely accessed off Marsh Lane. With mitigation to help improve site accessibility and highway safety the highway impacts associated with the development are considered fully compliant with Local and National Planning Policy which is a position supported by the statutory consultees. Fundamentally, the proposal will positively contribute to the district's housing need including the provision of 40% affordable units. Given the Council are unable to demonstrate a five year supply of housing paragraph 49 of the NPPF is engaged and accordingly the application should be supported unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework. Based on the considerations set out in this report, it is considered that the proposal would not lead to any adverse impacts that would significantly and demonstrably outweigh the benefits of delivering much needed housing in the district and on this basis, Members are recommended to support the application.

Recommendation

That subject to the signing of a Section 106 Legal Agreement, Outline Planning Permission **BE GRANTED** subject to the following conditions:

- 1 Reserved Matters to be submitted.
- 2 Application timescales for reserved matters submission.

- 3 Timescales for implementation.
- 4 Approved Plans
- 5 Details to be submitted for off-site highway works.
- 6 Submission of details for the site access.
- 7 Protection of visibility splays.
- 8 Finished Floor levels.
- 9 Development in accordance with the FRA.
- 10 Submission of Surface Water drainage scheme
- 11 Foul drainage scheme to be submitted and approved.
- 12 Construction Environmental Management Plan
- 13 Removal, containment or otherwise of any contaminants.
- 14 Contaminated Land Assessment
- 15 Controls over any import of solids to avoid introduction of contaminants.
- 16 Containment of spillage from tanks during construction.
- 17 Submission of Arboricultural Method Statement, to include tree protection plan.
- 18 Protection of existing trees on site.
- 19 Scheme for ecological mitigation and enhancement.
- 20 Details submitted for hard and soft landscaping.

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.

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|---|---|--|
| <p>Agenda Item</p> <p>A6</p> | <p>Committee Date</p> <p>21 September 2015</p> | <p>Application Number</p> <p>15/00720/REM</p> |
| <p>Application Site</p> <p>Land Opposite Greendale Drive Mill Lane Warton Lancashire</p> | <p>Proposal</p> <p>Reserved Matters application for the erection of 21 residential dwellings with associated access</p> | |
| <p>Name of Applicant</p> <p>L & W Wilson</p> | <p>Name of Agent</p> <p>HPA Architecture</p> | |
| <p>Decision Target Date</p> <p>25 September 2015</p> | <p>Reason For Delay</p> <p>None</p> | |
| <p>Case Officer</p> | <p>Mr Philip Megson</p> | |
| <p>Departure</p> | <p>Yes</p> | |
| <p>Summary of Recommendation</p> | <p>Approve in principle but delegate back to Chief Officer to agree proportion of affordable housing provision further to receipt of an independent assessment of the submitted Viability Appraisal</p> | |

1.0 The Site and its Surroundings

- 1.1 The site which forms the subject of this application is a 1.1 hectare agricultural field located on the eastern side of Mill Lane on the northern edge of the settlement of Millhead within the Parish of Warton. The site is currently used for silage production and grazing and slopes down (gradient approximately 1 in 9) towards the western boundary adjacent to the highway (Mill Lane). The western boundary of the site is made up of approximately 100m of high level natural stone wall from the most south western corner which then merges with a mature hedge line for the remaining western boundary. There is a small gated site access directly opposite the entrance with Greendale Drive. The eastern boundary consists of a low level post and wire fence.
- 1.2 The surrounding area is characterised as a mixture of residential and undulating rural agricultural greenfield. Adjacent to the southern boundary backing on to and stepping down with the land levels are 12 residential dwellings located on Grange View. These properties are a mixture of two storey semi and detached dwelling houses. Towards the south western corner of the site is the car park for the Nib Public House, which is a two storey building constructed of natural stone and forms the end building in a small terrace block. On the opposite (western) side of Mill Lane is the entrance to Greendale Drive which consists of a small estate of bungalows along with Kingdom Hall which has a large car park to the front. Adjacent to the northern boundary of the site is a large bungalow known as Stoneleigh (formerly Bradden). There is a regular hourly bus service (51) which passes the application site with a bus stop/shelter located opposite the Nib Public House on the western side of the highway.
- 1.3 The setting of the site is characterised by fields with boundaries of hedge and dry stone walls. These fields form the transition zone between the heavily wooded limestone outcrops of Warton Crag and the more intensively developed residential areas of Carnforth.
- 1.4 The application site is within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and the south western corner of the site is identified as an area susceptible to surface water flooding

and the whole site is located within Flood zone 1. There are no other constraints or designations that affect the site.

2.0 The Proposal

2.1 Outline Planning Permission was granted subject conditions for 21 dwellings in August 2014 (14/00376/OUT). The Reserved Matters application is for 21 dwellings comprising six 2-storey, 2-bedroom houses; one detached and six semi-detached 2 storey 3-bedroom houses; two detached, 3-bedroom dormer bungalows; four semi-detached 2-bedroom bungalows; and two semi-detached, 3-bedroom dormer bungalows. Access to the site is proposed to be created from the western boundary of Mill Lane, directly opposite Greendale Drive, and includes the provision of a mini roundabout. Surface water drainage will use soakaways.

2.2 It is proposed to retain three trees and to create an area of Public Open Space in the north west corner of the site. Two trees will also be retained in the South-west corner of the site. It is proposed to include a landscape buffer, including tree planting, to screen the site from the east. Tree planting is also proposed on the other boundaries to the site. It is proposed to remove the existing hedgerow on the Mill Lane frontage to allow construction of the access and create visibility splays for egress to Mill Lane from the site. It is proposed to replant a hedgerow to the rear of the visibility splay.

3.0 Site History

3.1 Details of the most relevant planning history is set out below:

| Application Number | Proposal | Decision |
|--------------------|---|---|
| 98/01253/OUT | Outline application for residential development | Refused |
| 99/00035/OUT | Outline application for residential development including nature conservation and new access | Refused and appeal dismissed |
| 99/00438/OUT | Outline application for residential development including nature conservation area and new access | Refused and appeal dismissed |
| 07/00012/REF | Erection of 16 affordable houses | Refused and appeal dismissed |
| 14/00376/OUT | Outline Application for the development of 21 residential dwellings with associated access | Approved subject to conditions and S106 agreement |

4.0 Consultation Responses

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

| Consultee | Response |
|----------------------------------|---|
| Environment Agency | The EA has no comments to make on this reserved matters application. |
| Lancashire Fire & Rescue Service | The Fire Authority will make a detailed report on fire precautions at building regulation application stage when formally consulted by the Building Control/Approved inspector |
| Natural England | Statutory nature conservation sites - No objection. Protected species - Apply Natural England Standing Advice to this application. Protected landscapes - Having reviewed the application Natural England does not wish to comment on this development proposal. The development, however, relates to the Arnside & Silverdale AONB. We therefore advise you to seek the advice of the AONB Partnership. Biodiversity Enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. |
| Warton Parish Council | Objection - the cost of the installation of a mini roundabout is so great the element of affordable housing in the development should be removed. The Parish Council view |

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| | <p>was that the development would help to meet the affordable housing need highlighted in the AONB housing needs survey. Members also request that the proposed footway provision extends for the full length of the site rather than from the mini roundabout only as a safety measure.</p> |
| <p>Tree Protection Officer</p> | <p>The application contains no detailed arboriculture assessment. There are two mature trees and a mature mixed species hedgerow established to the south-western boundary of the site. These positively contribute to the character and appearance of the site and wider locality and offer ecology opportunities. The two trees are proposed to be retained. Approximately 75% of the mature hedgerow is proposed for removal to accommodate the new access, visibility splays and a new public footway. A short section of hedgerow is to be retained to the north west of the site, close to the proposed public open space. The hedgerow is comprised of elder, hawthorn, blackthorn, hazel, sycamore and ash. The hedgerow could be considered for retention and incorporation into the overall design if it was “pushed” back into the site, retaining the soil around the root system. In this scenario, so much more of this valuable wildlife resource and existing amenity value could be realistically retained. This would allow the visibility splays and footpath to be delivered. There would only be a requirement for the removal of a section of hedgerow to provide the new access point. Landscape buffer zones are proposed on three sides of the site, new planting must include a range of native and non-native species to ensure a tree stock resilient to a changing climate.</p> |
| <p>Arnside & Silverdale Area of Outstanding Natural Beauty Partnership</p> | <p>Strongly objects to a greenfield site within the AONB being used solely for market housing. Objective 10 of the AONB Management Plan 2014-19 prioritises housing development that meets local affordable housing need. The Partnership is concerned that this could set a precedent for other greenfield sites as the arguments put forward as to why it is unviable i.e. sloping ground, providing a new mini-roundabout, do not appear to represent any exceptional circumstances. The needs identified within the AONB Housing Needs survey for Warton - one to three bedroomed housing - should be addressed through development of this site. The current submission does not propose any one bedroomed properties - inclusion of a number of smaller, one bedroomed properties would help meet local need and could improve viability.</p> <p>With regard to design and access, the AONB Partnership previously commented that the view up to Warton Crag should not be compromised. This could be achieved by keeping the most westerly portion of the site more open, locating the bungalows appropriately and by including some one and a half storey properties (dormer bungalows) to increase the number of dwellings that present low vertical profiles within the view. Redesign of the properties to front Mill Lane would deliver layout benefits too. They appreciate this would mean removal or partial removal of the existing hedgerow but this could be compensated for elsewhere on the site and a new hedge could be planted to form the front boundary of each property that faces the main road. Comments regarding sustainable design and use of materials are also provided.</p> |
| <p>County Highways</p> | <p>No highway objection. Condition requested regarding construction of new internal pedestrian/vehicular access road. Comments that other than a schematic drawing outlining the prospective location of the mini roundabout, little information would appear to have been submitted with regards vehicle swept path analysis, view line arrangements and likely extent of land take requirement's such as to allow for the inclusion of all elements of highway furniture necessary for the construction of a roundabout and point of access into the development. Detailed design of the feature will dictate the overall layout of the scheme and will undoubtedly have a bearing on the exact position of individual residential units within the development. That aside, I have no highway objection to the applicant's reserved matters proposal. Should your council be mindful of granting planning approval, I would ask that the following condition be appended to any associated reserve matters approval:</p> |
| <p>Housing & Planning Policy Team</p> | <p>The Policy Team objected to the application as submitted:</p> <ol style="list-style-type: none"> 1. Contrary to Policy DM41: New Residential Development which stipulates that Other than in the most exceptional circumstances new housing must contribute towards the provision of affordable housing. |

| | |
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| | <p>2. Submitted materials provide inadequate certainty regarding costs of development particularly infrastructure costs and therefore fails to provide compelling and detailed evidence to support the findings of the submitted viability appraisal</p> <p>3. Fails to demonstrate that it is the delivery of affordable housing which would have a disproportionate and unwarranted negative impact on the viability of the proposed development.</p> <p>The applicant has subsequently offered to provide four affordable dwellings, notwithstanding that the Financial Viability Statement found that any affordable housing contribution is unviable.</p> <p>The Policy Team objected to this offer as it falls well short of the target of an up to 40% contribution required by Policy DM41 in the absence of a Financial Viability Statement that clearly evidences that the scheme can only deliver 4 affordable units.</p> |
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5.0 Neighbour Representations

5.1 At the time of writing 13 representations have been made by members of the public. 11 of the representations raise objection to the proposed development. The main grounds for objection are summarised overleaf:

- Loss of agricultural land;
- Traditional field pattern would be destroyed;
- Visual impact of the development on the AONB;
- Loss of greenfield site/priority should be given to brownfield sites;
- Potential to exacerbate use of narrow Mill Lane with a detrimental impact on highway safety. The proposed footway would stop at the development boundary and would be a danger for pedestrians crossing the road;
- Lack of capacity of sewers to cater for new development;
- Detrimental to residential amenity (noise, overlooking);
- No clear evidence of local need for affordable housing;
- No affordable housing proposed;
- Adverse impact on wildlife;
- Destruction of hedgerows;
- Increased risk of flooding through run-off;
- Proposed public open space is small and close to a busy road;
- Highway impacts off-site - e.g. congestion at Carnforth cross roads (A6 and B6254)
- Weakens separation of Warton and Carnforth.

5.2 The grounds set out in the representation in support are:

- Well laid out with useful variety of properties will be of benefit to the village;
- Site currently has no environmental merit; it will be improved with landscaping and gardens;
- There is no requirement for any more low cost housing in Millhead; low cost housing would be better built nearer the Carnforth town centre;
- The entrance using a mini roundabout would slow most of the traffic which would be welcome to all residents;
- Moving of the hedge on Mill Lane would help traffic.

5.3 One representation relates to matters not relating to the proposed development.

6.0 Principal National and Development Plan Policies

6.1 **Sustainable Development** – NPPF paragraphs 7 and 14; Core Strategy policy SC1 and SC3
Housing provision – NPPF paragraphs 47 - 50; Core Strategy policies SC1, SC3 and SC4, Local Plan H11 and H7
Accessibility and Highway - NPPF paragraphs 32, 34 and 35; Core Strategy policy E2; Local Plan policy H7 and T9

Open Space – NPPF paragraph 73; Core Strategy policy SC8

Flooding and Drainage – NPPF paragraph 103; Core Strategy policy SC1

Ecology – NPPF paragraph 118

Landscape and Areas of Outstanding Natural Beauty - NPPF paragraph 115-116 and Saved Local Plan policies E3 and E4

Housing Provision – DM41

Managing Rural Housing Growth – DM42

Green and Open Space – DM25 and DM26

Access and Highway Safety – DM20

Flooding and Drainage – DM38 and DM39

Ecology – DM27

Landscape – DM28

7.0 Comment and Analysis

7.1 As the principle of housing is accepted by virtue of outline planning permission 14/00376/OUT, the key material considerations arising from this application are:

- Access and highway safety considerations;
- Landscape impacts and impacts upon the AONB;
- Affordable housing; and
- Impacts on boundary trees and hedges.

In addition the following are other material considerations:

- Ecology;
- Residential amenity;
- Contaminated land; and
- Drainage

7.2 **Access and Highway Considerations**

In response to the Highway Authority's comments, including requirements for the mini roundabout and its impact on the point of access and the proposed layout of the development, the applicant has submitted a revised plan that provides detailed information to inform the construction of the mini roundabout and point of access into the development.

7.3 To ensure that a satisfactory access is provided to the site, the Highways Authority proposes a condition that requires the internal pedestrian/vehicular access road to be constructed in accordance with the Lancashire County Council document "Specification for Construction of Estate Roads (2011)" to at least base course before any development takes place within the site. In highway terms, there is no objection from the statutory highways consultee.

7.4 **Landscape Matters and Impacts upon the AONB**

The site already benefits from outline permission, although most matters, including design and layout, were reserved for future consideration at this Reserved Matters stage. The outline Committee Report acknowledged the site characteristics, but concluded that any impacts upon the natural beauty and character of the AONB would be somewhat mitigated by the existing built form of Greendale Drive and Grange View. For those reasons, it was considered that there would not be a significant adverse impact upon the character and appearance of the AONB.

7.5 The detailed layout and elevational plans indicate a mix of house types as described in paragraph 2.1 of the current report. Now that house types are being proposed, it allows further assessment of the landscape impacts associated with the development.

7.6 The site itself is predominantly sloping. It slopes from the North to the South with an easing in gradient leading to more level ground towards Mill Lane. This depression serves to considerably reduce the visibility of the lower section of the site from all but immediate viewing points. The ground to the north east of the site rises to an elevated area of field typical of the landscape character. The site topography assists with a reduction in distant visual significance but does not reduce the visibility of the development from adjacent residential dwellings.

- 7.7 Having regard to an earlier appeal decision, (06/01574/FUL– Appeal Ref: App/A2335/A/07/2039641) which proposed 16 dwellings and was dismissed at appeal stage, dormer-style bungalows are proposed on the more elevated parts of the development to reduce the distant visibility of the development from other surrounding parts of the AONB. This leads officers to conclude that the landscape impacts upon the landscape will be acceptable.
- 7.8 The applicant is proposing to remove the existing hedgerow forming the boundary with Mill Lane in order to facilitate the development including construction of pedestrian pavements along Mill Lane and the planting of a replacement hedgerow, which would be set back behind the proposed pavement. The Tree Protection Officer considers that the hedgerow, which is comprised of elder, hawthorn, blackthorn, hazel, sycamore and ash, has a natural diversity and maturity that presents a range of opportunities for wildlife. It also provides important greening and screening if retained within the context of the development. The hedgerow could be considered for retention and incorporation into the overall design if it was “pushed” back into the site, retaining the soil around the root system. In this scenario, so much more of this valuable wildlife resource and existing amenity value could be realistically retained.
- 7.9 The Applicant’s landscape consultants considered that the proposed development would have major adverse impacts during the *construction phase* when viewed from the existing bus stop on Mill Lane, Greendale Drive, Kingdom Hall and Grange View. This assessment was based in removing the existing hedgerow fronting Mill Lane and replanting behind the footway. These construction phase impacts would be mitigated in part by pushing back the existing hedge back into the site. At 15 years the proposed development, due to the maturing of screen planting, would have moderate adverse impacts on Mill Lane, Greendale Drive and Grange View, with minor adverse impacts on Kingdom Hall.
- 7.10 Proposed materials for all house types are natural stone to part of the key elevations and other materials prevalent in the AONB (rendered walls and roof tiles). This is consistent with the palette of materials used at Stoneleigh to the north, which is also in the AONB. Details would be conditioned. To protect the AONB it is appropriate to remove permitted development rights from the proposed dwellings.
- 7.11 Affordable Housing
- As the site is greenfield and over 15 units are proposed, the provision of up to 40% affordable housing is required by Policy DM41. Where compelling and detailed evidence demonstrates that the provision of up to 40% affordable housing would have a disproportionate and unwarranted negative impact on the viability of a proposed development, applicants may seek to provide fewer affordable dwellings than would ordinarily be acceptable.
- 7.12 The outline planning application proposed 21 houses including the provision of 6 affordable houses (29% of the 21 houses proposed). As this is below the maximum policy requirement, the applicant submitted an Affordable Housing and Housing Needs Statement which, based on a Financial Viability Report prepared by Donald Lomax and Partners RICS Surveyors, concluded *that “the site would not be viable if any affordable housing was provided on the site”*. This was due to:
- Low house prices in the north Carnforth area (evidence of sales prices from nearby houses were provided).
 - Low density development which leads to higher build costs, due to the need to use bungalows in certain areas of the site due to visual impact issues (in order to address previous planning appeal guidance), and in reaction to the site’s location in the Arnside and Silverdale AONB.
 - High off-site costs associated with the provision of the mini-roundabout to Mill Lane.
 - High groundworks costs associated with work on a sloping site.
- 7.13 A Section 106 Agreement was signed by the landowner and the Council, which recognised that the Council required up to 40% affordable housing on the site, but contained a clause permitting further negotiation with the Council at Reserved Matters Stage on the level of affordable provision on the site, if a detailed Financial Viability Report was presented to the Council.

- 7.14 A Financial Viability Appraisal undertaken by Bushell Raven Quantity Surveyors, submitted with the current reserved matters application, comes to a similar conclusion to the earlier Financial Viability Report that the site is not viable if affordable housing is provided. Based on this financial appraisal the applicant initially offered no affordable housing. However, the Applicant has confirmed in writing that four affordable houses would be provided, which represents a 19% affordable housing contribution (about half of the local planning policy requirement).
- 7.15 Relevant aspects of Policy DM41 can be broken down into 3 parts:
1. It makes clear that in other than in the most exceptional circumstances new housing must contribute towards the provision of affordable housing.
 2. It provides affordable housing targets which detail that for a greenfield site such as the application site developers should provide up to 40% affordable dwellings on site but states that where compelling and detailed evidence demonstrates that the provision of affordable dwellings in accordance with the targets would have a disproportionate and negative impact on the viability of a proposed development then applicants may seek to provide fewer dwellings than would be ordinarily acceptable.
 3. It stipulates that where affordable housing targets cannot be met, the degree to which proposals deviate from the requirements will be weighed against the benefits of the resulting scheme.
- 7.16 A consideration of the detail of the applicant's proposal against the above numbered policy provisions has been undertaken.
1. Notwithstanding the conclusion of the submitted Financial Viability Appraisal (that the site is not viable if affordable housing is provided) the applicant has now offered to provide four affordable houses.
 2. The submitted Financial Viability Appraisal aims to support a view that costs on site are so high that they prohibit the reasonable delivery of any affordable housing. However, the applicant is willing to make an affordable housing contribution.
 3. Accordingly, having regard to the points above it is clear that the proposal deviates from proscribed policy targets. This must be weighed against the benefits of the scheme: affordable housing and contribution to housing supply.
- 7.17 Cumbria Rural Housing Trust's Housing Needs Survey Report in the Arnside/Silverdale AONB (2014) identifies a need in Warton for a total of six 1 or 2 bedroom houses/flats, five 3 or more bedroom houses and one 1 or 2 bedroom bungalow/ flat. The applicant's offer of affordable housing is for four 2-bedroom houses. The offer would make a significant contribution (67%) towards meeting the need for 2 bedroom houses in Warton.
- 7.18 The Council's Meeting Housing Needs Supplementary Planning Document (SPD) identifies a need for 2 bedroom bungalows in the social rented sector in Carnforth. Paragraph 4.17 of the document states that if the increased affordable housing provision cannot be achieved due to viability issues then the Council will not normally permit the proposed development until such time as the development values have changed so that delivery can be achieved.
- 7.19 In the absence of a Financial Viability Appraisal that provides compelling and detailed evidence that the scheme can only deliver 4 affordable units (19%), the Policy Team have objected to the offer as it falls well short of the up to 40% target required by Policy DM41.
- 7.20 The Council is currently unable to identify a 5 year housing land supply. In the absence of a 5 year housing land supply, paragraph 49 of the NPPF states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. 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*".
- 7.21 Given the divergence of opinion between the applicant and the Local Planning Authority on the robustness of the evidence presented in the submitted Financial Viability Appraisal, it has been

agreed by officers and the applicant that an independent assessment will be commissioned and undertaken to the satisfaction of Officers to inform the amount of affordable housing to be provided. The conclusions of the Appraisal would be binding on both parties. As the results of the independent Appraisal are unlikely to be available prior to the meeting of the Committee, it is recommended that Members approve the application in principle and delegate it back to the Chief Officer to agree the proportion of affordable housing required based on the independent assessor's conclusions.

7.22 Impact upon Trees and Hedgerows

The main issue relates to the hedgerow on the western boundary of the site. Approximately 75% of the mature hedgerow is proposed for removal in order to accommodate the new access, highway visibility splays and the installation of a new public footway. A short section of hedgerow is to be retained to the north west of the site, close to the proposed public open space.

7.23 The hedgerow is comprised of elder, hawthorn, blackthorn, hazel, sycamore and ash. The natural diversity and maturity of this hedgerow represents a range of opportunities for wildlife. It also provides important greening and screening if retained within the context of the development.

7.24 The hedgerow should be retained and incorporated into the overall design "pushing" it back into the site, retaining the soil around the root system. Much more of this valuable wildlife resource and existing amenity value could be realistically retained. This would allow the required visibility splays to be met and installation of the new public footway. There would only be a requirement for the removal of a section of hedgerow to provide the new access point. Where "gaps" in the hedgerow exist, new infill planting should be planned and agreed in writing.

7.25 Ecological Impacts

The Lancashire Environment Record Network has no records of protected or notable species for the site. There are however records of protected or notable species within 1km. The nearest County Wildlife Site is 300m to the north west of the site being Warton Crag Nature Reserve. This is isolated from the site by a road and open, exposed pasture. The nearest statutory protected site is Morecambe Bay SSSI, SAC SPA, RAMSAR, 200m to the West. This is isolated from the site by housing and a major railway junction. Precautionary mitigation measures are set out in the ecological assessment dated 14 February 2014 submitted with the outline planning application (14/00376/OUT).

7.26 Residential Amenity

The applicant is proposing 4 bungalows and 4 dormer bungalows on the upper slopes of the site near the eastern boundary of the site to mitigate against the possible impact of 2- and 3-storey houses when viewed from the other side of the village (Borwick Lane and Well Lane area of the village).

7.27 The bungalows will also reduce overlooking of houses in the vicinity, particularly to the west of Mill Lane. The minimum distance between these bungalows and the nearest (Kingdom Hall) to the west side of Mill Lane is 21m. The 13 houses lower down the slope have views into the site. It is considered that overlooking does not have a significant impact on residential amenity.

7.28 Impacts arising during the construction phase would be regulated by a condition controlling hours of working and Construction and Traffic Method Statement to be submitted to and approved in writing by the Local Planning Authority prior to construction.

7.29 Contaminated Land

The applicant has submitted a Preliminary Risk Assessment (Desk Study), the findings of which are that the site is an undeveloped field with no use from which contamination would be expected. The site is bordered by housing, there have been no nearby land uses from which contamination is expected and no pollution incidents on or close to the site. The proposed development will be houses with gardens, potential pollutant linkages are considered to be very unlikely and only a very low risk from contamination is anticipated.

7.30 Drainage

As stated above, surface water drainage will be provided by way of soakaways. These are only sufficient if they are not built or paved over. It is therefore appropriate to remove permitted development rights to prevent such works and development that would render these essential drainage facilities from being effective.

8.0 Planning Obligations

8.1 If the independent appraisal of the submitted Financial Viability Assessment concludes that the provision of affordable housing is viable, a legal agreement is proposed to secure the provision of affordable houses on site. If affordable housing is not viable a legal agreement would not be required. A Section 278 highway agreement is proposed for off-site highway works referred to in paragraph 7.2 of this report, and would be secured by way of conditions.

9.0 Conclusions

9.1 The applicant has demonstrated (Drawing No 1803-10 Rev C) that a workable access point and a mini-roundabout can be accommodated that meets the Highway Authority's requirements. Pedestrian safety on Mill Lane will be improved by the provision of a footway along the Mill Lane frontage to the site.

9.2 The site topography and the development of bungalows on the more elevated parts of the development assist with a reduction in distant visual significance but does not reduce the visibility of the development from adjacent residential dwellings. During the construction period there would be significant visual impacts along the frontage of Mill Lane in the vicinity of Greendale Drive, Kingdom Hall and Grange View. This is due to the movement of the existing hedgerow fronting Mill Lane and planting of a replacement hedgerow behind the footway. These impacts would be mitigated in part by pushing the existing hedge back into the site. At 15 years the proposed development, due to the maturing of screen planting, would have moderate adverse impacts on Mill Lane, Greendale Drive and Grange View, with minor adverse impacts on Kingdom Hall.

9.3 Retention of the hedgerow fronting Mill Lane is highly desirable. This could be achieved by pushing back the hedgerow, and on this basis a planning condition is proposed. Precautionary mitigation is proposed for dealing with ecological impacts arising from the proposed development. Impacts on residential amenity arising during the construction phase would be regulated by a condition controlling hours of working and the submission and approval of a Construction and Traffic Method Statement prior to commencement on site. No contamination of the site is expected.

9.4 The submitted Financial Viability Assessment is to be independently appraised to establish whether the provision of affordable housing is viable. If it is viable, a provision will be made for two bedroom properties that, in line with policy requirements, would require 50% social rented and 50% intermediate units to be provided on site.

Recommendation

That approval of reserved matters **BE AGREED IN PRINCIPLE** subject to a legal agreement requiring the provision of affordable houses on site and the following conditions, but the application be delegated back to the Chief Officer Chief Officer to agree the proportion of affordable housing required based on the independent assessor's conclusions on the Viability Assessment:

1. Standard reserved matters timescale.
2. Development in accordance with approved plans (*in respect of layout, Drawing No 1803-10 Rev C; in respect of scale and appearance of the houses and bungalows, Drawings 1803-20 Rev A, 1803-21 Rev A, 1803-22 Rev A, 1803-23 Rev A, 1803-27 Rev A*).
3. Scheme of off-site highway works (to accord with Section 278 Agreement).
4. Construction of internal pedestrian/vehicular access road in accordance with "Specification for Construction of Estate Roads (2011)".
5. Proposals for retention of the hedge fronting Mill Lane (except for access) by "pushing" back into site, shall be submitted and approved prior to commencement of development.
6. Details and samples of materials and finishes to be submitted and approved prior to commencement of development.
7. Details of windows and doors to be submitted and approved prior to commencement of development.

8. Details of boundary treatments to be submitted and approved prior to commencement of development.
9. Details of finished floor levels to be submitted and approved prior to commencement of development.
10. Removal of PD rights (Parts 1, 2 and 14) and building/paving over soakaways

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of the development, and in particular too the relevant policies contained in the Development Plan, as presented in the full officer report, and to all relevant material planning considerations, including the National Planning Policy Framework and National Planning Practice 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 align="center">Agenda Item</p> <p align="center">A7</p> | <p align="center">Committee Date</p> <p align="center">21 September 2015</p> | <p align="center">Application Numbers</p> <p align="center">15/00854/VCN</p> |
| <p align="center">Application(s) Site</p> <p>Laund Fields Stoney Lane Galgate Lancaster</p> | <p align="center">Proposals</p> <p>Outline application for residential development of up to 50 dwellings (pursuant to the variation of conditions 5 and 19 and removal of condition 11 on outline planning permission 12/00834/OUT to alter the extent and timing of the off-site highway works, to refer and adhere to the most up to date ecology appraisal and to remove the requirement for the dwellings to comply with level 3 of the Code for Sustainable Homes)</p> | |
| <p align="center">Name of Applicant</p> <p>Persimmon Homes Lancashire</p> | <p align="center">Name of Agent</p> <p align="center">None</p> | |
| <p align="center">Decision Target Date</p> <p align="center">8 October 2015</p> | <p align="center">Reason For Delay</p> <p align="center">N/A</p> | |
| <p>Case Officer</p> | <p>Mr Daniel Hewitt</p> | |
| <p>Departure</p> | <p>N/A</p> | |
| <p>Summary of Recommendations</p> | <p>Grant planning permissions subject to revised conditions</p> | |

1.0 The Site and its Surroundings

- 1.1 These applications relate to a 1.75ha site located in Galgate but within the designated Countryside Area. The land sits tightly behind existing buildings fronting Main Street and Stoney Lane but extends beyond existing buildings in the village towards Skew Bridge, and eastward covering open land previously used as a touring caravan site. Agricultural land adjoins the site to the east with the West Coast Mainline embankment forming the south western boundary.
- 1.2 The built form along Main Road immediately adjacent to the application site consists mainly of two-storey, stone under slate terraced properties with significant back gardens. Closer to the crossroad junction there are a number of commercial uses (e.g. convenience shop, hairdressers, salon and public house) which essentially form the local centre. The built form on the south side of Stoney Lane consists of slightly larger two-storey, stone under slate buildings including the former Ellet Institute, a pair of stone built semi-detached cottages and a detached stone built property. These properties are level with the carriageway and occupy a slightly lower ground level than the application site. There is also a large garage and MOT Centre on this side of Stoney Lane.
- 1.3 Development has commenced on site but previously included a mix of greenfield and previously developed land consisting of agricultural land and associated storage buildings, a former motor repair garage, and a licensed caravan site with amenity block in connection with residential property at Laund Field. The land levels rise quite steeply in the south eastern part of the site.
- 1.4 The site is currently served by two vehicular access points to the local highway network. One access point is via the driveway onto Stoney Lane which serves the existing dwellinghouse and caravan site. The second access point is a hard surfaced single track field access off the A6 approximately 50m north of Skew Bridge, adjacent to the existing row of terraced cottages on Main Road. This was the formal access to the former motor repair garage. The closest bus stops are located on the A6, with northbound stops at The Plough and north of the cross-road junction and southbound stops at the crossroads (outside Spar) and at The Plough. The strategic cycle network (National Cycle Route 6) passes through the village on Stoney Lane and provides good cycle links to the University and

Lancaster City beyond.

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

2.0 The Proposal

- 2.1 These applications seek approval of variations to the planning conditions imposed on extant outline planning permission reference 12/00834/OUT and reserved matters consent reference 14/01105/REM.

- 2.2 It should be noted from the outset that an approval of reserved matters does not in itself constitute a legal 'planning permission'. Rather, it is an approval of details much like an approval of details required by a planning condition. The applicant therefore could have dealt with all proposed changes with a single application, but chose not to. Should Members approve both applications then two identical, stand-alone planning permissions would be issued. Though procedurally unusual, this will have no bearing on outcomes or the quality of the development.

- 2.3 In summary, the development comprises 50 two-storey dwellinghouses made up of a mix of 2, 3 and 4 bedroom units. 15 units are affordable homes in accordance with the requirements of the legal agreement (see below). The breakdown of house types is as follows:

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

The development also includes an on-site, 19 space community car park to offset the loss of existing on-street car parking opportunities arising from the need to introduce parking restrictions on Main Road in the new site access road visibility splays. A footpath and cycle link is also proposed from the site to Stoney Lane.

- 2.4 Application ref: 15/00854/VCN seeks to vary or remove the following three conditions on the outline consent:

Condition 5 – Off site highway works (variation sought)

No development shall commence until a scheme for off-site highway works comprising the following has been submitted to and agreed in writing by the local planning authority in consultation with the highway authority:

(a) Details of a scheme to limit vehicle parking on the carriageway (both sides) along Main Road in the vicinity of the site (Skew Bridge to the point at which the existing road is restricted just before the crossroad junction);

(b) A scheme for the installation of street furniture to prevent parking on the footways within the visibility splays identified in the approved Transport Statement (Figure TS9).

(c) Upgrades of the 2 existing nearby bus stops northbound and southbound on Main Road to Quality Bus Stop Standards.

(d) A scheme for the provision of convenient and continuous on-site parking for residents of Main Road affected by the works required under (b) until formal parking provision is provided pursuant to condition 10.

The scheme for off-site highway works shall also include a phasing programme for the implementation of such works. In particular, the implementation of (b) and (d) must be provided in full prior to the first use of the new vehicular access pursuant to condition 4 of this permission. The development shall be carried out in accordance with the agreed detail, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety and to encourage better use of public transport.

Condition 11 – Code for Sustainable Homes Level 3 (removal sought)

The dwellings hereby approved shall be designed and constructed to meet the standards set out in Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To secure a sustainable form of development.

Condition 19 – Ecology (variation sought)

The development shall be carried out in accordance with the submitted Ecological Appraisal (Environtech,

August 2012). In particular no development shall commence until a precise scheme for appropriate mitigation (as suggested in the Ecological Appraisal) together with phasing programme to maintain and enhance biodiversity, has been submitted to and agreed in writing with the local planning authority. The approved mitigation measures shall be fully implemented in accordance with the agreed phasing programme, by a competent and qualified, professional person to protect the habitat of protected species, including bats. These measures shall be retained within the development at all times thereafter.

Reason: To ensure that adequate provision is made for these protected species.

2.5 Application ref: 15/00855/VCN seeks to vary the following condition on the reserved matters consent:

Condition 4 – Detailed design matters (variation sought)

No development shall commence until precise details of the windows, doors, porches and conservatories have been submitted to, and approved in writing by, the local planning authority. This detail shall include details of the external window/door reveals, which shall not be less than 70mm, the profile, colour and finish of the window/door casements, heads and cills and the conservatory frame profiles and colour. The development shall then be constructed in accordance with the approved details.

Reason: So that the local planning authority shall be satisfied as to the details.

2.6 A detailed assessment of the variations sought are dealt with in turn in the comment and analysis section of the report below.

3.0 Site History

3.1 Members will recall that outline planning permission for the development was originally granted in December 2013 followed by an approval of reserved matters in March 2015. Both decisions were made by the Planning and Highways Regulatory Committee. Further applications have been submitted for a temporary sales cabin, associated advertisements and the discharge of planning conditions.

| Application Number | Proposal | Decision |
|--------------------|--|---|
| 12/00834/OUT | Outline application for residential development of up to 50 dwellings | Planning permission granted 19/12/13 subject to legal agreement and 21 conditions |
| 14/01105/REM | Reserved Matters application for 50 dwellings and associated roads and landscaping | Details approved 09/03/15 subject to an additional 13 conditions |
| 14/01349/ADV | Advertisement application for the display of one non-illuminated panel board sign and four flagpoles and flags | Refused 10/07/15 |
| 15/00099/DIS | Discharge of conditions 4, 5, 8, 9, 12, 13a, 13b, 19, 20 and 21 on planning permission 12/00834/OUT | Initial response sent 26/08/15 |
| 15/00100/DIS | Discharge of conditions 3, 4, 5, 9 and 10 on planning permission 14/01105/REM | Initial response sent 26/08/15 |
| 15/00891/FUL | Siting of a temporary sales cabin with associated parking | Under consideration |

4.0 Consultation Responses

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

| Consultee | Response |
|--------------|---|
| Network Rail | No further comments to add to those already made to the original application. |

| | |
|---|---|
| <p>Local Highway Authority (Lancashire County Council)</p> | <p>No objection to the variation of condition 5 (off-site highway works) including the removal of the requirement to provide interim parking provision for residents affected by the proposed parking restrictions in the access visibility splay, providing alternative provision in the form of the on-site Community Car Park is completed and made available for use prior to first occupation of the new dwellings and prior to the introduction of parking restrictions.</p> <p>They also confirm they have no objection to the proposed detailed design of the new junction, the proposed parking restrictions and the proposed enhancements to the nearby bus stops.</p> <p>Finally, they stress the need to ensure that adequate access and egress measures are implemented during construction in the interests of highway safety. This has since been achieved by amendments to the proposed Construction and Traffic Management Plan to incorporate the use of banksmen at the site access which they also support (application ref: 15/00100/DIS).</p> |
| <p>Environmental Health</p> | <p>State that they would not agree to a relaxation in sustainability standards if this would impact on local air quality given the proximity of the site to the designated Air Quality Management Area in Galgate (A6 corridor).</p> <p>They also recommend that an informative is added to any consent highlighting the fact that the development is in a Radon Affected Area and mitigation measures will be required to protect residents of the new homes.</p> |
| <p>Ellel Parish Council</p> | <p>No response received to date.</p> |

5.0 Neighbour Representations

5.1 One neighbour objection to application ref: 15/00854/VCN has been received from a resident of 79 Main Road - approximately 70 metres to the north of the application site. Their home would be affected by the proposed parking restrictions on Main Road and as a result they would be largely reliant on car parking provided in the 19 space on-site community car park.

Their objection is summarised as follows:

- Highway safety concerns regarding use of the new site access prior to the introduction of parking restrictions in the site access visibility splay given interim parking provision for residents of Main Road is not now proposed.
- Their family live in a large house directly fronting Main Road that does not benefit from a private driveway. They are a multi-car household (six adults using three cars) and are currently reliant on being able to park on-street on Main Road. They still have not had any confirmation about the allocation of spaces in the proposed community car park but feel they should be allocated at least two spaces given the size of their home is far larger than neighbouring homes also affected.
- They have spoken to the developer to seek clarity on the ongoing management and allocation of spaces in the community car park but remain frustrated that their questions remain unanswered almost three years since the application for outline planning permission was submitted.
- They request that no conditions are discharged that relate to the matters raised.

5.2 Officer responses to the issues raised are provided in the main body of the report.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)
 Paragraphs 7, 12, 14, 17 - Sustainable development and core principles
 Paragraph 32 and 34 – Transport considerations
 Paragraphs 47 to 55 - Housing
 Paragraphs 56, 57, 58, 60, 61 and 64 – Design
 Paragraph 69 – Promoting healthy communities (place making)

Paragraph 94 to 96 - Meeting the challenge of climate change
Paragraphs 109 and 117 to 119 – Conserving the natural environment

6.2 Lancaster District Development Management DPD (DM DPD)
Policy DM20 – Enhancing Accessibility and Transport Linkages
Policy DM21 – Walking and Cycling
Policy DM22 - Vehicle Parking Provision
Policy DM27 – The Protection and Enhancement of Biodiversity
Policy DM28 – Development and Landscape Impact
Policy DM29 – Protection of Trees, hedgerows and Woodland
Policy DM35 – Key Design Principles
Policy DM36 – Sustainable Design
Policy DM37 – Air Quality Management and Pollution

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

Lancaster District Core Strategy
SC1 – Sustainable Development

6.4 Supplementary Planning Guidance (SPG)
SPG – Meeting Housing Needs

6.5 Other Material Considerations
National Planning Practice Guidance

7.0 Comment and Analysis

7.1 Given these applications are for minor material amendments to an extant planning permission, the only issues of relevance are the proposed amendments themselves and their compliance with development plan policies and other material planning considerations. An assessment of each proposed change and its compliance with current planning policy is set out in turn below.

7.2 Outline planning consent condition 5 – off site highway works
The applicant is seeking to vary this relatively complex condition that requires the developer to:

- submit a scheme to prevent on-street parking in the visibility splay of the new estate road's junction with Main Road;
- install street furniture to physically prevent parking in the same visibility splay;
- fund upgrades to two existing bus stops in the village centre to Quality Bus Stop standards; and
- provide existing Main Road residents affected by the parking restrictions with convenient and continuous parking facilities until permanent on-site provision is made available in the form of the on-site, 19 space community car park secured by other conditions.

7.3 The applicant argues that this condition is unduly onerous and prescriptive for the following reasons:

- the local highway authority, despite originally requesting such a condition, now believes that the installation of physical interventions such as bollards may not be necessary assuming the now proposed double yellow line Traffic Regulation Order(s) (TRO) prove effective;
- due to the overall lack of alternative and available on-street parking in this part of Galgate, the provision of alternative interim parking provision either relies on the use of third party land that the applicant has no power of control over or land on the construction site itself which is problematic in terms of conflict with the build programme and construction site health and safety requirements; and
- the same outcomes can be achieved in a way that is more readily deliverable without compromising highway safety.

7.4 Following detailed discussions with the local highway authority, an alternative approach imposing the following sequential obligations within a revised condition has been agreed with the applicant:

1. The approved access from Main Road and community car park (details already approved) shall be completed in full and made available for use prior to the first occupation of any new dwelling on the site and prior to the introduction of any additional parking restrictions on Main Road required by (2) below.
2. The proposed double yellow lines TRO(s) shall be installed and enforceable prior to the first occupation of any dwelling hereby approved unless a decision not to confirm the necessary TRO(s) has been made in which case bollards or other physical interventions to prevent parking in the junction visibility splay shall be submitted to and agreed in writing by the local planning authority (in consultation with the local highway authority) and implemented in full prior to the first occupation of any new dwelling on the site.
3. The cycle link and any associated signage must be provided in full prior to the practical completion of the dwellinghouses hereby approved and retained at all times thereafter.
4. In addition to (2) above and notwithstanding the introduction of any TRO(s), if parking problems in the visibility splay persist then the local highway authority retains the right to require the developer to provide bollards or other physical parking barriers if they formally request this additional intervention in writing within six months of the first occupation of any new dwelling on the site.
5. The proposed upgrades to the two existing bus stops submitted and approved under condition 5 of planning permission reference 12/00834/OUT shall be implemented in full and in full accordance with a timetable to be submitted and approved by the local planning authority prior to first occupation of any dwelling hereby approved.

7.5 This alternative, phased solution to these site specific constraints secures the same outcomes and safeguards for residents and the applicant alike without compromising highway safety. It also offers the following clear advantages:

- It ensures existing residents are not inconvenienced through the loss of on-street parking spaces in front of their homes, most of which do not have access to private driveways, without alternative off-street provision in the form of the 19 space community car park being available;
- It doesn't clutter the public realm or impose unnecessary liabilities on the local highway authority in the form of the maintenance of bollards or other similar physical interventions that may not be necessary if double yellow lines prove to be an effective deterrent;
- It doesn't require the developer to provide alternative, temporary provision as the community car park will be complete and made available for use prior to the introduction of any parking restrictions on Main Road.

7.6 In order to safely manage access and egress for construction traffic onto the site prior to the installation of the TRO(s) and/or physical barriers in the visibility splay the applicant has committed to the use of banksmen at the site access during construction. This is a solution the local highway authority supports and is secured by a revised and retained Construction Traffic Management Plan condition.

7.7 An objection to any proposed changes or discharge of highways related conditions has been received from a local resident directly affected by the proposed new access and associated parking restrictions (see above).

7.8 Firstly, they are concerned that construction traffic will be accessing and egressing the application site prior to the implementation of parking restrictions in the visibility splays. As explained in paragraph 7.6 above, the applicant has committed to the use of banksmen at the site access during construction.

7.9 Secondly, they are concerned about the loss of on-street parking availability outside their house and the allocation of spaces in the community car park. They argue they are a multi-car household living in an unusually large family house with no off-street parking facilities and are concerned that the car parking spaces in the community car park will not meet the household's needs. They are also concerned that spaces have not yet been allocated despite work commencing on site.

7.10 Conditions on the extant planning permission require the 19 space community car park (based on the 19 dwellings directly affected by the introduction of parking restrictions in the site access visibility splay) to be complete and made available for use prior to first occupation of the new dwellings or prior to the introduction of new parking restrictions on Main Road. In addition, the Section 106 legal

agreement obliges the developer to establish a management strategy and company to govern and manage the community car park for a period of 25 years to the satisfaction of the local planning authority and secures a contribution of £49,500 to fund that company. The formal approval of the community car park management strategy and payment of the contribution should have been completed prior to commencement of development on site but to date neither obligations have been honoured. This shortcoming has been taken up with the applicant who has confirmed they have approached Ellel Parish Council to see if they would be willing to take on the management of the car park and are awaiting their response, whilst an invoice has been sent to the applicant for the outstanding commuted sums. Officers are satisfied that the applicant is currently trying to actively engage the Parish Council in the management of the car park. The situation will however be carefully monitored and enforcement action considered (Members will recall that the site has been the subject of separate, formal enforcement intervention recently – see Paragraph 7.18) if a management strategy is not submitted shortly, given development has commenced on site.

- 7.11 The objector has discussed matters with the applicant directly and we understand dialogue is ongoing but they remain frustrated with the ongoing uncertainty about the management and allocation of spaces in the Community Car Park. Whilst we understand the objector's frustration, officers are of the opinion that the proposed amendments will secure the same outcome as the extant planning permission whilst assisting with the delivery of much needed new housing in the District so approval is recommended accordingly. It is not considered necessary or reasonable to require the developer to provide more than 19 spaces in the Community Car Park (one space per household affected by the proposed new on-street parking restrictions) to meet the objector's request for additional parking spaces especially as sustainable alternatives to the private car are readily available in this location. It should also be recognised that the objector may be able to secure access to additional parking spaces in the Community Car Park or indeed elsewhere in the village should other households not require them.
- 7.12 In conclusion, it is recommended that condition 5 be revised in accordance with paragraph 7.4 of this report. Officers will however carefully monitor and manage compliance with the planning obligation relating to the management of the Community Car Park and initiate enforcement action to remedy any breach should it be necessary.
- 7.13 Outline planning consent condition 11 – Code for Sustainable Homes Level 3 (removal sought)
- The applicant is seeking the removal of this condition which requires the development to be built to Code for Sustainable Homes Level 3 standards on the grounds that it no longer accords with government policy. Officers agree that the condition is no longer necessary as the Code for Sustainable Homes was formally withdrawn by the Government in a Written Ministerial Statement made on 25 March 2015 following its review of technical standards for new housing. It can therefore no longer be considered a 'nationally described standard'.
- 7.14 Paragraph 95 of the NPPF is clear that *"local planning should...when settings standards for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards"*. This approach is echoed in Policy DM36 which encourages applicants to implement 'nationally described standards' to achieve sustainable design. Although Policy DM36 specifically references the Code for Sustainable Homes this development plan policy was adopted before the Code was withdrawn. Indeed, new developments are only able to secure final code certification, as required by the condition, in limited circumstances (legacy cases) and not if developers have sought to remove any condition requiring their developments to achieve a particular code level standard following the code's formal withdrawal.
- 7.15 Despite this changing context, members should be aware that Code Level 3 energy performance standards have been integrated into mandatory Building Regulations so energy efficiency standards will not be unduly compromised if the condition is removed. It should also be noted that the applicant is not seeking to vary condition 12 of the extant outline permission which will deliver at least 10% of the development's energy requirements from the provision of on-site micro renewables in the form of rooftop photovoltaic panels.
- 7.16 The comments from Environmental Health are noted but officers are satisfied that the proposed removal of the condition will not significantly impact local air quality given the air quality assessment submitted in support of the original application for outline planning permission concluded that the development's impact local air quality would be imperceptible. Members will recall that the same conclusion was reached in the air quality assessment submitted and assessed under application ref:

15/00080/FUL for the erection of an additional 71 dwellings on a nearby site off Stoney Lane for which planning permission was very recently granted. Finally, it should be recognised that the development will result in the planting of 59 trees and numerous other shrubs, hedges and plants which will help to absorb air pollutants, including nitrogen oxide, which is considered adequate mitigation given the negligible or imperceptible impact identified.

7.17 Given the above it is recommended that condition 11 of the outline consent be removed.

7.18 Outline planning consent condition 19 – ecology (variation sought)

The applicant is seeking the formal variation of this condition to require ongoing compliance with the revised Ecological Appraisal submitted by them in support of their application for the approval of reserved matters in 2014. The condition currently requires compliance with an earlier Ecological Appraisal, dated August 2012, submitted in support of the outline planning application by the previous landowner. That report highlighted the presence of a transitional bat roost in one of the storage buildings on the site and clearly set out the need for a European Protected Species (EPS) licence prior to the demolition of the building. The building has been demolished and Natural England have confirmed that no EPS licence was sought or granted. The applicant has stated that this took place before they took ownership of the site. Similarly, a further breach of the current condition occurred when a hedge, although identified for removal in the long term, was felled whilst supporting active bird nests. Both the unlicensed loss of the transitional bat roost and the damage caused to active bird nests constitute offences under the Wildlife and Countryside Act 1981. Local Authority Officers have provided detailed reports of both incidents to the Lancashire Constabulary who are now carrying out their own investigations. Given the breaches are now being addressed through the appropriate channels, Officers have no objection to the proposed revisions to the planning condition and recommend approval accordingly.

7.19 Reserved matters consent condition 4 – detailed design matters (variation sought)

The applicant is seeking the formal variation of this condition to allow external window and door reveals to be provided with a 50mm depth rather than a 70mm depth currently required. The applicant has stated that they cannot provide 70mm reveals without undertaking a fundamental redesign of the house types proposed which have been developed to comply with thermal insulation requirements embodied in the building regulations (see Paragraph 7.14). Given the minimal nature of the proposed change, the fact that the development is set back from the primary Main Road street frontage, is not within a conservation area and will not affect the setting of any heritage assets officers are satisfied that the proposed change will not unduly affect the character and appearance of the area and recommend approval accordingly.

7.20 Finally, given approval would result in the grant of new stand-alone planning permissions and a number of other planning conditions have already been addressed through the submission of applications seeking of approval of details required by condition (see above), officers have undertaken a thorough review of all conditions and have updated the recommendations accordingly to reflect progress made and to ensure all conditions remain necessary, reasonable and relevant.

8.0 Planning Obligations

8.1 A Section 106 legal agreement was entered into alongside the grant of outline planning permission in 2013. That agreement remains unaffected by decisions on applications to remove or vary planning conditions submitted under Section 73 of the Town and Country Planning Act 1990 such as these. The existing legal agreement would therefore remain in force should these applications be approved.

8.2 The legal agreement secures the following:

- Community Car Park Management Strategy and a contribution of £49,500 to fund the ongoing maintenance and management of the on-site community car park;
- Play Area contribution of £21,250 to fund the maintenance, upgrade and improvements to the Beech Avenue play area in Galgate; and,
- On-site affordable housing provision comprising 30% of units (50% social rented and 50% intermediate ownership)

9.0 Conclusions

9.1 For the reasons detailed in this report, officers have no objection to the proposed revisions to conditions attached to the extant planning permission for this major housing development and recommend approval accordingly. Officers have undertaken a full review of all current planning conditions and have updated other conditions, where appropriate, to reflect progress made to date on detailed matters whilst ensuring the quality of the development is not eroded.

Recommendation

That planning permissions **BE GRANTED** subject to the following revised conditions:

1. Approved plans **REVISED**
2. Community Car Park provision, parking restrictions and improvements to bus stops on Main Road (A6) **REVISED**
3. Visibility splay restrictions – new planting and development **RETAINED**
4. Construction and Traffic Management Plan **REVISED**
5. Ongoing retention of Community Car Park for parking reasons only **REVISED**
6. Provision of on-site rooftop photovoltaic panels **REVISED**
7. Imported soils **RETAINED**
8. Operational contamination risk mitigation **RETAINED**
9. Hours of construction **RETAINED**
10. Noise mitigation **RETAINED**
11. Ecological Appraisal compliance **REVISED**
12. Detailed foul and surface water drainage strategy compliance **REVISED**
13. Amenity space provision and maintenance compliance **REVISED**
14. Arboricultural Implications Assessment and Method Statement **REVISED**
15. Implementation of approved tree and hedge protection scheme **REVISED**
16. Implementation of approved landscaping scheme **RETAINED**
17. Boundary and plot enclosures compliance **REVISED**
18. Garage and car parking provision **RETAINED**
19. Garage use restricted to domestic storage use only **REVISED**
20. Permitted development rights removed **REVISED**

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 recommendations 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 recommendations have 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

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

Background Papers

None.

| Agenda Item A8 | Committee Date 21 September 2015 | Application Numbers 15/00855/VCN |
|---|--|-------------------------------------|
| Application(s) Site Laund Fields Stoney Lane Galgate Lancaster | Proposals Reserved Matters application for 50 dwellings and associated roads and landscaping (pursuant to conditions 4 & 6 on Reserved Matters consent 14/01105/REM relating to external window/door reveals to change from 70mm to 50mm and an updated Arboricultural Impact Assessment and Method Statement) | |
| Name of Applicant Persimmon Homes Lancashire | Name of Agent None | |
| Decision Target Date 8 October 2015 | Reason For Delay N/A | |
| Case Officer | Mr Daniel Hewitt | |
| Departure | N/A | |
| Summary of Recommendations | Grant planning permissions subject to revised conditions | |

1.0 The Site and its Surroundings

- 1.1 These applications relate to a 1.75ha site located in Galgate but within the designated Countryside Area. The land sits tightly behind existing buildings fronting Main Street and Stoney Lane but extends beyond existing buildings in the village towards Skew Bridge, and eastward covering open land previously used as a touring caravan site. Agricultural land adjoins the site to the east with the West Coast Mainline embankment forming the south western boundary.
- 1.2 The built form along Main Road immediately adjacent to the application site consists mainly of two-storey, stone under slate terraced properties with significant back gardens. Closer to the crossroad junction there are a number of commercial uses (e.g. convenience shop, hairdressers, salon and public house) which essentially form the local centre. The built form on the south side of Stoney Lane consists of slightly larger two-storey, stone under slate buildings including the former Ellel Institute, a pair of stone built semi-detached cottages and a detached stone built property. These properties are level with the carriageway and occupy a slightly lower ground level than the application site. There is also a large garage and MOT Centre on this side of Stoney Lane.
- 1.3 Development has commenced on site but previously included a mix of greenfield and previously developed land consisting of agricultural land and associated storage buildings, a former motor repair garage, and a licensed caravan site with amenity block in connection with residential property at Laund Field. The land levels rise quite steeply in the south eastern part of the site.
- 1.4 The site is currently served by two vehicular access points to the local highway network. One access point is via the driveway onto Stoney Lane which serves the existing dwellinghouse and caravan site. The second access point is a hard surfaced single track field access off the A6 approximately 50m north of Skew Bridge, adjacent to the existing row of terraced cottages on Main Road. This was the formal access to the former motor repair garage. The closest bus stops are located on the A6, with northbound stops at The Plough and north of the cross-road junction and southbound stops at the crossroads (outside Spar) and at The Plough. The strategic cycle network (National Cycle Route 6) passes through the village on Stoney Lane and provides good cycle links to the University and Lancaster City beyond.

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

2.0 The Proposal

2.1 These applications seek approval of variations to the planning conditions imposed on extant outline planning permission reference 12/00834/OUT and reserved matters consent reference 14/01105/REM.

2.2 It should be noted from the outset that an approval of reserved matters does not in itself constitute a legal 'planning permission'. Rather, it is an approval of details much like an approval of details required by a planning condition. The applicant therefore could have dealt with all proposed changes with a single application, but chose not to. Should Members approve both applications then two identical, stand-alone planning permissions would be issued. Though procedurally unusual, this will have no bearing on outcomes or the quality of the development.

2.3 In summary, the development comprises 50 two-storey dwellinghouses made up of a mix of 2, 3 and 4 bedroom units. 15 units are affordable homes in accordance with the requirements of the legal agreement (see below). The breakdown of house types is as follows:

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

The development also includes an on-site, 19 space community car park to offset the loss of existing on-street car parking opportunities arising from the need to introduce parking restrictions on Main Road in the new site access road visibility splays. A footpath and cycle link is also proposed from the site to Stoney Lane.

2.4 Application ref: 15/00854/VCN seeks to vary or remove the following three conditions on the outline consent:

Condition 5 – Off site highway works (variation sought)

No development shall commence until a scheme for off-site highway works comprising the following has been submitted to and agreed in writing by the local planning authority in consultation with the highway authority:

(a) Details of a scheme to limit vehicle parking on the carriageway (both sides) along Main Road in the vicinity of the site (Skew Bridge to the point at which the existing road is restricted just before the crossroad junction);

(b) A scheme for the installation of street furniture to prevent parking on the footways within the visibility splays identified in the approved Transport Statement (Figure TS9).

(c) Upgrades of the 2 existing nearby bus stops northbound and southbound on Main Road to Quality Bus Stop Standards.

(d) A scheme for the provision of convenient and continuous on-site parking for residents of Main Road affected by the works required under (b) until formal parking provision is provided pursuant to condition 10.

The scheme for off-site highway works shall also include a phasing programme for the implementation of such works. In particular, the implementation of (b) and (d) must be provided in full prior to the first use of the new vehicular access pursuant to condition 4 of this permission. The development shall be carried out in accordance with the agreed detail, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety and to encourage better use of public transport.

Condition 11 – Code for Sustainable Homes Level 3 (removal sought)

The dwellings hereby approved shall be designed and constructed to meet the standards set out in Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To secure a sustainable form of development.

Condition 19 – Ecology (variation sought)

The development shall be carried out in accordance with the submitted Ecological Appraisal (Environtech, August 2012). In particular no development shall commence until a precise scheme for appropriate mitigation

(as suggested in the Ecological Appraisal) together with phasing programme to maintain and enhance biodiversity, has been submitted to and agreed in writing with the local planning authority. The approved mitigation measures shall be fully implemented in accordance with the agreed phasing programme, by a competent and qualified, professional person to protect the habitat of protected species, including bats. These measures shall be retained within the development at all times thereafter.

Reason: To ensure that adequate provision is made for these protected species.

2.5 Application ref: 15/00855/VCN seeks to vary the following condition on the reserved matters consent:

Condition 4 – Detailed design matters (variation sought)

No development shall commence until precise details of the windows, doors, porches and conservatories have been submitted to, and approved in writing by, the local planning authority. This detail shall include details of the external window/door reveals, which shall not be less than 70mm, the profile, colour and finish of the window/door casements, heads and cills and the conservatory frame profiles and colour. The development shall then be constructed in accordance with the approved details.

Reason: So that the local planning authority shall be satisfied as to the details.

2.6 A detailed assessment of the variations sought are dealt with in turn in the comment and analysis section of the report below.

3.0 Site History

3.1 Members will recall that outline planning permission for the development was originally granted in December 2013 followed by an approval of reserved matters in March 2015. Both decisions were made by the Planning and Highways Regulatory Committee. Further applications have been submitted for a temporary sales cabin, associated advertisements and the discharge of planning conditions.

| Application Number | Proposal | Decision |
|--------------------|--|---|
| 12/00834/OUT | Outline application for residential development of up to 50 dwellings | Planning permission granted 19/12/13 subject to legal agreement and 21 conditions |
| 14/01105/REM | Reserved Matters application for 50 dwellings and associated roads and landscaping | Details approved 09/03/15 subject to an additional 13 conditions |
| 14/01349/ADV | Advertisement application for the display of one non-illuminated panel board sign and four flagpoles and flags | Refused 10/07/15 |
| 15/00099/DIS | Discharge of conditions 4, 5, 8, 9, 12, 13a, 13b, 19, 20 and 21 on planning permission 12/00834/OUT | Initial response sent 26/08/15 |
| 15/00100/DIS | Discharge of conditions 3, 4, 5, 9 and 10 on planning permission 14/01105/REM | Initial response sent 26/08/15 |
| 15/00891/FUL | Siting of a temporary sales cabin with associated parking | Under consideration |

4.0 Consultation Responses

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

| Consultee | Response |
|--------------|---|
| Network Rail | No further comments to add to those already made to the original application. |

| | |
|---|---|
| <p>Local Highway Authority (Lancashire County Council)</p> | <p>No objection to the variation of condition 5 (off-site highway works) including the removal of the requirement to provide interim parking provision for residents affected by the proposed parking restrictions in the access visibility splay, providing alternative provision in the form of the on-site Community Car Park is completed and made available for use prior to first occupation of the new dwellings and prior to the introduction of parking restrictions.</p> <p>They also confirm they have no objection to the proposed detailed design of the new junction, the proposed parking restrictions and the proposed enhancements to the nearby bus stops.</p> <p>Finally, they stress the need to ensure that adequate access and egress measures are implemented during construction in the interests of highway safety. This has since been achieved by amendments to the proposed Construction and Traffic Management Plan to incorporate the use of banksmen at the site access which they also support (application ref: 15/00100/DIS).</p> |
| <p>Environmental Health</p> | <p>State that they would not agree to a relaxation in sustainability standards if this would impact on local air quality given the proximity of the site to the designated Air Quality Management Area in Galgate (A6 corridor).</p> <p>They also recommend that an informative is added to any consent highlighting the fact that the development is in a Radon Affected Area and mitigation measures will be required to protect residents of the new homes.</p> |
| <p>Ellel Parish Council</p> | <p>No response received to date.</p> |

5.0 Neighbour Representations

5.1 One neighbour objection to application ref: 15/00854/VCN has been received from a resident of 79 Main Road - approximately 70 metres to the north of the application site. Their home would be affected by the proposed parking restrictions on Main Road and as a result they would be largely reliant on car parking provided in the 19 space on-site community car park.

Their objection is summarised as follows:

- Highway safety concerns regarding use of the new site access prior to the introduction of parking restrictions in the site access visibility splay given interim parking provision for residents of Main Road is not now proposed.
- Their family live in a large house directly fronting Main Road that does not benefit from a private driveway. They are a multi-car household (six adults using three cars) and are currently reliant on being able to park on-street on Main Road. They still have not had any confirmation about the allocation of spaces in the proposed community car park but feel they should be allocated at least two spaces given the size of their home is far larger than neighbouring homes also affected.
- They have spoken to the developer to seek clarity on the ongoing management and allocation of spaces in the community car park but remain frustrated that their questions remain unanswered almost three years since the application for outline planning permission was submitted.
- They request that no conditions are discharged that relate to the matters raised.

5.2 Officer responses to the issues raised are provided in the main body of the report.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)
 Paragraphs 7, 12, 14, 17 - Sustainable development and core principles
 Paragraph 32 and 34 – Transport considerations
 Paragraphs 47 to 55 - Housing
 Paragraphs 56, 57, 58, 60, 61 and 64 – Design
 Paragraph 69 – Promoting healthy communities (place making)

Paragraph 94 to 96 - Meeting the challenge of climate change

Paragraphs 109 and 117 to 119 – Conserving the natural environment

- 6.2 Lancaster District Development Management DPD (DM DPD)
Policy DM20 – Enhancing Accessibility and Transport Linkages
Policy DM21 – Walking and Cycling
Policy DM22 - Vehicle Parking Provision
Policy DM27 – The Protection and Enhancement of Biodiversity
Policy DM28 – Development and Landscape Impact
Policy DM29 – Protection of Trees, hedgerows and Woodland
Policy DM35 – Key Design Principles
Policy DM36 – Sustainable Design
Policy DM37 – Air Quality Management and Pollution

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

Lancaster District Core Strategy
SC1 – Sustainable Development

- 6.4 Supplementary Planning Guidance (SPG)
SPG – Meeting Housing Needs

- 6.5 Other Material Considerations
National Planning Practice Guidance

7.0 Comment and Analysis

- 7.1 Given these applications are for minor material amendments to an extant planning permission, the only issues of relevance are the proposed amendments themselves and their compliance with development plan policies and other material planning considerations. An assessment of each proposed change and its compliance with current planning policy is set out in turn below.

- 7.2 Outline planning consent condition 5 – off site highway works
The applicant is seeking to vary this relatively complex condition that requires the developer to:

- submit a scheme to prevent on-street parking in the visibility splay of the new estate road's junction with Main Road;
- install street furniture to physically prevent parking in the same visibility splay;
- fund upgrades to two existing bus stops in the village centre to Quality Bus Stop standards; and
- provide existing Main Road residents affected by the parking restrictions with convenient and continuous parking facilities until permanent on-site provision is made available in the form of the on-site, 19 space community car park secured by other conditions.

- 7.3 The applicant argues that this condition is unduly onerous and prescriptive for the following reasons:

- the local highway authority, despite originally requesting such a condition, now believes that the installation of physical interventions such as bollards may not be necessary assuming the now proposed double yellow line Traffic Regulation Order(s) (TRO) prove effective;
- due to the overall lack of alternative and available on-street parking in this part of Galgate, the provision of alternative interim parking provision either relies on the use of third party land that the applicant has no power of control over or land on the construction site itself which is problematic in terms of conflict with the build programme and construction site health and safety requirements; and
- the same outcomes can be achieved in a way that is more readily deliverable without compromising highway safety.

- 7.4 Following detailed discussions with the local highway authority, an alternative approach imposing the following sequential obligations within a revised condition has been agreed with the applicant:

1. The approved access from Main Road and community car park (details already approved) shall be completed in full and made available for use prior to the first occupation of any new dwelling on the site and prior to the introduction of any additional parking restrictions on Main Road required by (2) below.
2. The proposed double yellow lines TRO(s) shall be installed and enforceable prior to the first occupation of any dwelling hereby approved unless a decision not to confirm the necessary TRO(s) has been made in which case bollards or other physical interventions to prevent parking in the junction visibility splay shall be submitted to and agreed in writing by the local planning authority (in consultation with the local highway authority) and implemented in full prior to the first occupation of any new dwelling on the site.
3. The cycle link and any associated signage must be provided in full prior to the practical completion of the dwellinghouses hereby approved and retained at all times thereafter.
4. In addition to (2) above and notwithstanding the introduction of any TRO(s), if parking problems in the visibility splay persist then the local highway authority retains the right to require the developer to provide bollards or other physical parking barriers if they formally request this additional intervention in writing within six months of the first occupation of any new dwelling on the site.
5. The proposed upgrades to the two existing bus stops submitted and approved under condition 5 of planning permission reference 12/00834/OUT shall be implemented in full and in full accordance with a timetable to be submitted and approved by the local planning authority prior to first occupation of any dwelling hereby approved.

7.5 This alternative, phased solution to these site specific constraints secures the same outcomes and safeguards for residents and the applicant alike without compromising highway safety. It also offers the following clear advantages:

- It ensures existing residents are not inconvenienced through the loss of on-street parking spaces in front of their homes, most of which do not have access to private driveways, without alternative off-street provision in the form of the 19 space community car park being available;
- It doesn't clutter the public realm or impose unnecessary liabilities on the local highway authority in the form of the maintenance of bollards or other similar physical interventions that may not be necessary if double yellow lines prove to be an effective deterrent;
- It doesn't require the developer to provide alternative, temporary provision as the community car park will be complete and made available for use prior to the introduction of any parking restrictions on Main Road.

7.6 In order to safely manage access and egress for construction traffic onto the site prior to the installation of the TRO(s) and/or physical barriers in the visibility splay the applicant has committed to the use of banksmen at the site access during construction. This is a solution the local highway authority supports and is secured by a revised and retained Construction Traffic Management Plan condition.

7.7 An objection to any proposed changes or discharge of highways related conditions has been received from a local resident directly affected by the proposed new access and associated parking restrictions (see above).

7.8 Firstly, they are concerned that construction traffic will be accessing and egressing the application site prior to the implementation of parking restrictions in the visibility splays. As explained in paragraph 7.6 above, the applicant has committed to the use of banksmen at the site access during construction.

7.9 Secondly, they are concerned about the loss of on-street parking availability outside their house and the allocation of spaces in the community car park. They argue they are a multi-car household living in an unusually large family house with no off-street parking facilities and are concerned that the car parking spaces in the community car park will not meet the household's needs. They are also concerned that spaces have not yet been allocated despite work commencing on site.

7.10 Conditions on the extant planning permission require the 19 space community car park (based on the 19 dwellings directly affected by the introduction of parking restrictions in the site access visibility splay) to be complete and made available for use prior to first occupation of the new dwellings or prior to the introduction of new parking restrictions on Main Road. In addition, the Section 106 legal

agreement obliges the developer to establish a management strategy and company to govern and manage the community car park for a period of 25 years to the satisfaction of the local planning authority and secures a contribution of £49,500 to fund that company. The formal approval of the community car park management strategy and payment of the contribution should have been completed prior to commencement of development on site but to date neither obligations have been honoured. This shortcoming has been taken up with the applicant who has confirmed they have approached Ellel Parish Council to see if they would be willing to take on the management of the car park and are awaiting their response, whilst an invoice has been sent to the applicant for the outstanding commuted sums. Officers are satisfied that the applicant is currently trying to actively engage the Parish Council in the management of the car park. The situation will however be carefully monitored and enforcement action considered (Members will recall that the site has been the subject of separate, formal enforcement intervention recently – see Paragraph 7.18) if a management strategy is not submitted shortly, given development has commenced on site.

- 7.11 The objector has discussed matters with the applicant directly and we understand dialogue is ongoing but they remain frustrated with the ongoing uncertainty about the management and allocation of spaces in the Community Car Park. Whilst we understand the objector's frustration, officers are of the opinion that the proposed amendments will secure the same outcome as the extant planning permission whilst assisting with the delivery of much needed new housing in the District so approval is recommended accordingly. It is not considered necessary or reasonable to require the developer to provide more than 19 spaces in the Community Car Park (one space per household affected by the proposed new on-street parking restrictions) to meet the objector's request for additional parking spaces especially as sustainable alternatives to the private car are readily available in this location. It should also be recognised that the objector may be able to secure access to additional parking spaces in the Community Car Park or indeed elsewhere in the village should other households not require them.
- 7.12 In conclusion, it is recommended that condition 5 be revised in accordance with paragraph 7.4 of this report. Officers will however carefully monitor and manage compliance with the planning obligation relating to the management of the Community Car Park and initiate enforcement action to remedy any breach should it be necessary.
- 7.13 Outline planning consent condition 11 – Code for Sustainable Homes Level 3 (removal sought)
- The applicant is seeking the removal of this condition which requires the development to be built to Code for Sustainable Homes Level 3 standards on the grounds that it no longer accords with government policy. Officers agree that the condition is no longer necessary as the Code for Sustainable Homes was formally withdrawn by the Government in a Written Ministerial Statement made on 25 March 2015 following its review of technical standards for new housing. It can therefore no longer be considered a 'nationally described standard'.
- 7.14 Paragraph 95 of the NPPF is clear that *"local planning should...when settings standards for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards"*. This approach is echoed in Policy DM36 which encourages applicants to implement 'nationally described standards' to achieve sustainable design. Although Policy DM36 specifically references the Code for Sustainable Homes this development plan policy was adopted before the Code was withdrawn. Indeed, new developments are only able to secure final code certification, as required by the condition, in limited circumstances (legacy cases) and not if developers have sought to remove any condition requiring their developments to achieve a particular code level standard following the code's formal withdrawal.
- 7.15 Despite this changing context, members should be aware that Code Level 3 energy performance standards have been integrated into mandatory Building Regulations so energy efficiency standards will not be unduly compromised if the condition is removed. It should also be noted that the applicant is not seeking to vary condition 12 of the extant outline permission which will deliver at least 10% of the development's energy requirements from the provision of on-site micro renewables in the form of rooftop photovoltaic panels.
- 7.16 The comments from Environmental Health are noted but officers are satisfied that the proposed removal of the condition will not significantly impact local air quality given the air quality assessment submitted in support of the original application for outline planning permission concluded that the development's impact local air quality would be imperceptible. Members will recall that the same conclusion was reached in the air quality assessment submitted and assessed under application ref:

15/00080/FUL for the erection of an additional 71 dwellings on a nearby site off Stoney Lane for which planning permission was very recently granted. Finally, it should be recognised that the development will result in the planting of 59 trees and numerous other shrubs, hedges and plants which will help to absorb air pollutants, including nitrogen oxide, which is considered adequate mitigation given the negligible or imperceptible impact identified.

7.17 Given the above it is recommended that condition 11 of the outline consent be removed.

7.18 Outline planning consent condition 19 – ecology (variation sought)

The applicant is seeking the formal variation of this condition to require ongoing compliance with the revised Ecological Appraisal submitted by them in support of their application for the approval of reserved matters in 2014. The condition currently requires compliance with an earlier Ecological Appraisal, dated August 2012, submitted in support of the outline planning application by the previous landowner. That report highlighted the presence of a transitional bat roost in one of the storage buildings on the site and clearly set out the need for a European Protected Species (EPS) licence prior to the demolition of the building. The building has been demolished and Natural England have confirmed that no EPS licence was sought or granted. The applicant has stated that this took place before they took ownership of the site. Similarly, a further breach of the current condition occurred when a hedge, although identified for removal in the long term, was felled whilst supporting active bird nests. Both the unlicensed loss of the transitional bat roost and the damage caused to active bird nests constitute offences under the Wildlife and Countryside Act 1981. Local Authority Officers have provided detailed reports of both incidents to the Lancashire Constabulary who are now carrying out their own investigations. Given the breaches are now being addressed through the appropriate channels, Officers have no objection to the proposed revisions to the planning condition and recommend approval accordingly.

7.19 Reserved matters consent condition 4 – detailed design matters (variation sought)

The applicant is seeking the formal variation of this condition to allow external window and door reveals to be provided with a 50mm depth rather than a 70mm depth currently required. The applicant has stated that they cannot provide 70mm reveals without undertaking a fundamental redesign of the house types proposed which have been developed to comply with thermal insulation requirements embodied in the building regulations (see Paragraph 7.14). Given the minimal nature of the proposed change, the fact that the development is set back from the primary Main Road street frontage, is not within a conservation area and will not affect the setting of any heritage assets officers are satisfied that the proposed change will not unduly affect the character and appearance of the area and recommend approval accordingly.

7.20 Finally, given approval would result in the grant of new stand-alone planning permissions and a number of other planning conditions have already been addressed through the submission of applications seeking of approval of details required by condition (see above), officers have undertaken a thorough review of all conditions and have updated the recommendations accordingly to reflect progress made and to ensure all conditions remain necessary, reasonable and relevant.

8.0 Planning Obligations

8.1 A Section 106 legal agreement was entered into alongside the grant of outline planning permission in 2013. That agreement remains unaffected by decisions on applications to remove or vary planning conditions submitted under Section 73 of the Town and Country Planning Act 1990 such as these. The existing legal agreement would therefore remain in force should these applications be approved.

8.2 The legal agreement secures the following:

- Community Car Park Management Strategy and a contribution of £49,500 to fund the ongoing maintenance and management of the on-site community car park;
- Play Area contribution of £21,250 to fund the maintenance, upgrade and improvements to the Beech Avenue play area in Galgate; and,
- On-site affordable housing provision comprising 30% of units (50% social rented and 50% intermediate ownership)

9.0 Conclusions

9.1 For the reasons detailed in this report, officers have no objection to the proposed revisions to conditions attached to the extant planning permission for this major housing development and recommend approval accordingly. Officers have undertaken a full review of all current planning conditions and have updated other conditions, where appropriate, to reflect progress made to date on detailed matters whilst ensuring the quality of the development is not eroded.

Recommendation

That planning permissions **BE GRANTED** subject to the following revised conditions:

1. Approved plans **REVISED**
2. Community Car Park provision, parking restrictions and improvements to bus stops on Main Road (A6) **REVISED**
3. Visibility splay restrictions – new planting and development **RETAINED**
4. Construction and Traffic Management Plan **REVISED**
5. Ongoing retention of Community Car Park for parking reasons only **REVISED**
6. Provision of on-site rooftop photovoltaic panels **REVISED**
7. Imported soils **RETAINED**
8. Operational contamination risk mitigation **RETAINED**
9. Hours of construction **RETAINED**
10. Noise mitigation **RETAINED**
11. Ecological Appraisal compliance **REVISED**
12. Detailed foul and surface water drainage strategy compliance **REVISED**
13. Amenity space provision and maintenance compliance **REVISED**
14. Arboricultural Implications Assessment and Method Statement **REVISED**
15. Implementation of approved tree and hedge protection scheme **REVISED**
16. Implementation of approved landscaping scheme **RETAINED**
17. Boundary and plot enclosures compliance **REVISED**
18. Garage and car parking provision **RETAINED**
19. Garage use restricted to domestic storage use only **REVISED**
20. Permitted development rights removed **REVISED**

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 recommendations 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 recommendations have 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

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

Background Papers

None.

| | | |
|--|---|---|
| Agenda Item A9 | Committee Date 21 September 2015 | Application Number 15/00626/FUL |
| Application Site Riverside Caravan Park Lancaster Road Heaton With Oxcliffe Morecambe | Proposal Change of Use of land for siting static caravans for holiday occupation 11 months of the year from 1st March to 31st January | |
| Name of Applicant Britaniacrest Ltd | Name of Agent Mrs Rachel Whaley | |
| Decision Target Date 2 September 2015 | Reason For Delay Committee cycle | |
| Case Officer | Mr Philip Megson | |
| Departure | No | |
| Summary of Recommendation | Approve subject to conditions and signing of a legal agreement | |

1.0 The Site and its Surroundings

- 1.1 Riverside Caravan Park is on the outskirts of Heaton-with-Oxcliffe located off the Lancaster Road adjacent the River Lune. It is approximately mid-way between Morecambe (3.5 miles to the west) and Lancaster (3 miles to the east) and has good access from the M6 motorway via the A683 and Lancaster Road.
- 1.2 The Park is bounded to the south by Lancaster Road and the River Lune and is surrounded by agricultural land. In front of the park, immediately west of the site entrance is the Golden Ball Inn which is in separate ownership. Adjoining the eastern boundary of the park is Oxcliffe Hill Farm (through which there is a right of access). There is existing boundary planting along all boundaries, particularly along the Lancaster Road frontage.
- 1.3 The current layout of the site is that the existing planning permissions allow for up to 75 static caravans and provision for 50 touring pitches. The current site licence permits the static caravans to be occupied from 1st March to 31st January inclusive and permits touring caravans to be sited from 1st March to 14th January inclusive.

2.0 The Proposal

- 2.1 The proposed layout shows the potential for redevelopment of the park, incorporating the touring area, to accommodate a total of 129 holiday static caravans plus a sales area with 4 units. A recreation area is located to the east of "Lunecroft", an existing bungalow near the centre of the site.
- 2.2 It is proposed to unify the period of opening across the whole caravan park. The static caravans would be occupied from 1st March to 31st January inclusive.
- 2.3 Surface water drainage would be by soakaway. Foul water drainage would be via existing and new drainage. Controls over new drainage (separate or combined) can be secured by condition.
- 2.4 Proposed external works comprise gravel paths on compacted hardcore; parking bays with the front

edge delineated by stone setts; and new post and rail fencing to a height of 0.55m in treated timber incorporating access points at a minimum 15m along its length. Proposed landscaping works include low level planting/hedge comprising Beech, Holly, Silver Myrtle or Silver Birch.

3.0 Site History

3.1 There have been a number of planning applications relating to the Riverside Caravan Park. In summary these have involved progressively increasing the number of touring caravans; progressively increasing the number and proportion of static caravans and extending the period of occupancy of touring caravans and static caravans.

4.0 Consultation Responses

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

| Consultee | Response |
|------------------------------|----------------------|
| County Highways | No highway objection |
| Environmental Health Officer | No objections |

5.0 Neighbour Representations

5.1 No neighbour representations have been received.

6.0 Principal National and Development Plan Policies

6.1 The National Planning Policy Framework (NPPF) :
 Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 28 – Supporting a Prosperous Rural Economy

National Planning Practice Guidance (NPPG):
 Paragraph 28 – Supporting a Prosperous Rural Economy

Lancaster Core Strategy:
 ER6 – Developing Tourism

Development Management DPD:
 DM14 – Caravan Sites, Chalets and Log Cabins
 DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 Policy DM14 is consistent with the policy approach set out in paragraph 28 of the NPPF *Supporting a prosperous rural economy* and the guidance in paragraph 28 of the NPPG. Policy DM14 supports proposals for new static caravans in principle outside areas of designated landscape importance, in appropriate locations and to an appropriate scale. The proposed development complies with these requirements: the site is not located within an area of designated landscape importance and it is within the existing footprint of an existing caravan site. The site is also in an accessible location having good access from the M6 motorway via the A683 and Lancaster Road.

7.2 It is considered the proposed development has no adverse impact upon the landscape character or significant detrimental impact on amenity of the locality. The site already has well established boundary planting particularly on the south east boundary. Additional planting will be provided to augment boundary planting and to provide amenity planting within the site. The proposed development would not have any adverse impact on any protected species or ecological features.

7.3 Policy DM14 is “sympathetic” towards proposals to extend opening seasons provided that there is no adverse impact on visual amenity and nature conservation, local infrastructure or highway safety. As the site is an existing caravan park and the proposed development would be within the existing

footprint it is considered that there would be no adverse impact on visual amenity and nature conservation. Surface water drainage would be via soakaways. The submitted plan indicates that the existing drainage is to be located and the status of it (separate or combined) to be determined. A satisfactory drainage scheme can be secured by condition. Occupancy rates are lower in the winter months so extending the season would not adversely impact on local infrastructure of highway safety. No objections have been received to the proposal to extend the season.

7.4 The policy also requires that proposals to extend the season include on-site improvements, including improved facilities and an appropriate scale of recreational provision, and that these must be in place before the extended season begins. The proposed layout shows the footprint of a proposed recreational facilities building set back from the reception. This building is not proposed as part of this planning application, but would be the subject of a separate planning application.

7.5 In paragraph 4.25 of the submitted Planning Design and Access Statement it states that it is not considered that a Section 106 agreement is justified in this instance to control occupancy as only an 11 month season is sought so there will still be a closed period. Policy DM14 clause XIII requires a proposal to extend the duration and occupancy of caravan sites to be accompanied by a legal agreement which states that the accommodation will remain in a visitor use only and not be used for permanent residential accommodation (the Council's practice is not to seek to control occupancy by condition). The outcome of discussions with the Applicant on this matter will be reported verbally to Committee.

8.0 Planning Obligations

8.1 The Council proposes that the Applicant enters into a section 106 agreement controlling the duration of occupancy between 1st March and 31st January and restricting occupation to holiday use only.

9.0 Conclusions

9.1 The proposed development complies with the requirements of Policy DM14 and is acceptable from a planning perspective, and subject to a Legal Agreement, can be supported.

Recommendation

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

1. Standard planning permission timescale.
2. Development to be carried out in accordance with Drawing 2015-04 501 F.
3. Submission and approval of a scheme for drainage prior to the commencement of the development.

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of the development, and in particular too the relevant policies contained in the Development Plan, as presented in the full officer report, and to all relevant material planning considerations, including the National Planning Policy Framework and National Planning Practice 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 21 September 2015 | Application Number 15/00449/FUL |
| Application Site Bank Barn Crag Road Warton Carnforth | Proposal Erection of a detached dwelling with associated new access and a detached garage | |
| Name of Applicant Mr Paul Edmondson | Name of Agent Mr Matthew Atkinson | |
| Decision Target Date 15 July 2015 | Reason For Delay Officer caseload and awaiting additional information | |
| Case Officer | Mr Andrew Holden | |
| Departure | No | |
| Summary of Recommendation | Approval - subject to receipt of appropriate plans | |

Procedural Matter

This form of application would normally be deal with under the Scheme of Delegation, however the application has been referred to committee by Councillor Sykes given the Parish Council's view that the proposal was inappropriate.

1.0 The Site and its Surroundings

- 1.1 The application site is located on the south side of Crag Road, Warton approximately 60m from its junction with Main Road. Crag Road rises steeply east to west, climbing past the site to level off some distance to the west. It is two-way with a restriction in width at its junction with Main Road. The George Washington public house and neighbouring residential properties limit the road to a narrow carriageway only.
- 1.2 The site is currently an open field and forms part of a larger field owned by the applicant. The application site lies in the north east corner of the field and has a frontage to Crag Road of 28m and a plot depth of 25m. An existing field access currently provides access into the field from Crag Road. The roadside boundary is marked by a stone wall and there is a post and rail fence to the boundary with Bank Barn (also owned by the applicant). The site slopes steeply up from Bank Barn and slopes down, in a slightly gentler manner, to the west away from the road. A dry stone wall forms the northern boundary to the churchyard. There is a mature tree located close to the west boundary of the site on a steeply rising outcrop. To the opposite side of the road is a small National Trust car park accessed off Crag Road along with the Old School Brewery building.
- 1.3 The site lies in Warton Conservation Area and Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). In addition, the site lies just over 100m from Warton Crag Site of Special Scientific Interest (SSSI) and Local Nature Reserve and approximately 20m from a Biological Heritage Site. The land in which the site is located has been identified as a Significant View within the Warton Conservation Area Townscape Appraisal (Vista F– views from Crag Road across the graves and trees of the churchyard to St Oswald's Church – which is a Grade II listed building). The neighbouring trees adjacent to the west side of the plot have also been identified as significant trees within the area.

2.0 The Proposal

- 2.1 The application seeks to develop a large four-bedroom dwelling comprising 245 sqm over two floors. The rising ground levels along Crag Road and within the application results in the Crag Road elevation being predominantly single storey with only a two story gable present facing east and the neighbouring Bank Barn. The footprint of the dwelling provides for a block following the roadside frontage and a second block running off square from the east end of the building. The footprint is constrained to the east by the presence of an overhead electricity cable and its associated easement. The front block facing Crag Road is to be constructed of traditional materials, dual-pitched natural slate roof under limestone walls. The detailing of the walls will differ from the traditional form with the use of shallow coursed stone, no quoins and a more contemporary window form using powder coated aluminium framing. The rear block has adopted a more contemporary design approach with the use of a standing seam zinc roof and rendered walls. Again, the window framing is to be aluminium. An open gable end and terrace is provided to the south of the rear block.
- 2.2 The main living accommodation is provided on the upper floor with most of the bedroom accommodation being set in the lower floor, some partially below ground level. The rising land to the west result in the lower floor accommodation to the front block being significantly smaller than the upper floor. The main living space (kitchen, dining sitting area) is contained in the rear block with outlook south over the fields and across the graveyard. Very limited window openings are developed facing the neighbouring Bank Barn. These have been designed to be either obscured or located/formed so as not to overlook the neighbouring property, Bank Barn.
- 2.3 Externally, the site is to be developed over two distant areas. The site access, turning area, garage and main entrance are all accessed from one plane although sloping down to the garage some 1.5m lower than the site entrance as is the main entrance to the dwelling located to the rear of the front block. A stone retaining wall sweeps between the detached garage and the southern corner of the rear block allowing for the main garden areas of the dwelling to be set down a further 2.5m reflecting the natural slope of the site. The garden are to be access form the upper level by steps within the retaining wall or via the lower floor of the dwelling.
- 2.4 In addition, a detached garage and store is to be created at the southwest corner of the plot. External materials are proposed as a natural slate roof and rendered walls. Access to the plot from Crag Road will be gained via a new site access (3.5m wide) replacing the existing field gate and repositioning it slightly higher up the hill. Re-aligned stone highway boundary walls will provide for sightlines of 2.4m x 37m to the right (east) and 2.4m x 42m to the left (west). The new boundary walls adjoining the field will be constructed from limestone to match the existing boundary walls.

3.0 Site History

- 3.1 The site has no planning history other than a recent pre-application enquiry early in 2015 for the erection of a single dwelling.

4.0 Consultation Responses

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

| Consultee | Response |
|------------------------------------|--|
| County Highways | No objections in principle suggested conditions to address the following: - <ul style="list-style-type: none"> • Creation of an oversized length of drive access way to allow two vehicles to pass unhindered prior accessing / egressing to / from the adjacent public highway. • Laying of metaled surfacing • Creation of an appropriate view line envelope • Undertaking a degree of vegetation / hedgerow / dry-stone walling management along the frontage of the site with Crag Road. |
| Environmental Health | No objections to the development suggest standard contamination condition and provision of a Preliminary Risk Assessment. |
| Arnside and Silverdale AONB | Objection to the development – contrary to both national and local planning policy and the Arnside & Silverdale AONB Management Plan 2014–19; would have a detrimental |

| | |
|------------------------------------|--|
| <p>Office</p> | <p>impact on the landscape character of the area and the special qualities of the AONB; The modern design and use of contemporary materials does not reflect the local character and vernacular; the scale and size of the dwelling relative to its surroundings is considered inappropriate. Development would be visibly intrusive in views across the surrounding landscape, in particular from the nearby Church of St Oswald's and the adjacent churchyard. Development would not deliver affordable homes.</p> <p>Views awaited in respect of the revised plans, these will be reported verbally to committee.</p> |
| <p>Conservation Officer</p> | <p>Objection, initially the application provided insufficient information to fully consider the impact of the scheme upon the Warton Conservation Area. Following receipt of additional information and photomontages concerns raised that the scale of the development will unduly impact upon one of the key views from Crag Road across the site to the graves, churchyard and St. Oswald's Church.</p> <p>Views awaited in respect of the revised plans, these will be reported verbally to committee.</p> |
| <p>Tree Officer</p> | <p>No objections subject to conditions to retain trees and protection during the development phase. No tree within the site are the subject of any Tree Preservation orders but enjoy protection by virtue of the site location within the Warton Conservation Area. The site also lies within the AONB within which trees are an important component feature in a range of locations across the AONB. In addition, Warton Crag lies to the northwest and is clearly visible from the proposed development site. The Crag is designated a Biological Heritage Site (BHS).</p> |
| <p>Parish Council</p> | <p>Objection - design does not fit in with the conservation area, overlooks the ancient churchyard in such a way that it could be considered detrimental. Access to Crag Road could be a hazard, vehicles moving down Crag Road could be moving at high speed.</p> <p>Views awaited in respect of the revised plans, these will be reported verbally to committee.</p> |

5.0 Neighbour Representations

5.1 To date 3 letters have been received from local residents. The comments raise a number of concerns over the development. The main areas of concern are: -

- Highways safety on this narrow road with traffic moving quickly downhill. The immediate area already has five access points and can be dangerous especially when there is frost or slippery road conditions.
- The location in the AONB, in a conservation area, en-route to the Warton Crag Nature Reserve and overlooking a listed building, having a new building of the size and design in the application documents would be detrimental to the character of the area.
- It would be in a domineering position overlooking the entire village, visible from the main route into the Village from Carnforth and detrimental to the setting of St Oswald's Church.
- If permission is given for development on the hillside, it would set a precedent for future development along Crag Road.
- The site is understood to be subject to a covenant restricting the use of the land for any purpose other than agricultural, garden or amenity land and construction of any building (except for agricultural purposes and then no greater than 500 square feet).

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

6.2 Lancaster District Local Plan (Saved Policies)

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

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2 – Urban Concentration
SC3 – Rural Communities
SC4 – Housing Requirements
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
DM31 - Biodiversity
DM32 – Setting of Heritage Assets
DM35 – Key Design Principles
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 development
- Design
- Impact on the Warton Conservation Areas and the Arnside and Silverdale AONB
- Impact on residential amenity
- Access and highway impacts
- Affordable housing contribution
- Impact on Trees
- Contaminated land
- Drainage

7.2 Principle of development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy E2 also emphasises that the Council will minimise the need to travel by car and Policy SC3 of the Core Strategy states that 10% of new homes will be allowed to meet local housing needs in villages, focussed in those that have five basic services. 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 recently adopted 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 linking to Carnforth and Lancaster. The site is well related to the existing built up development and will form a continuation of the houses on Crag Road. The site and Crag Road does suffer from a lack of footways and a narrow road to access the services in the centre of the village. However, it is considered to be a sustainable location where, in principle, small scale residential development could be supported.

7.3 Design

- 7.3.1 The approach to the design of the dwelling has developed a more traditional to the section of the building fronting Crag Road and a more contemporary one to the rear section. The element fronting Crag Road uses traditional local materials (natural limestone and slate roofing). The overall form of the building is again designed to reflect local vernacular with the use of simple gable ended buildings under a dual pitched roof. The window openings and stone coursing add a more contemporary approach with narrow coursed limestone without quoins and irregular openings within which site powder coated aluminium frames. The overall, appearance of the Crag Road frontage is one of a converted barn set into rising ground.
- 7.3.2 The rear section of the building runs south off-square to the front block towards St. Oswald's Churchyard and Church. Again, the shape of this element of the building reflects the local vernacular but is seeking to use a zinc standing seam roof and rendered walls. Rendered wall are not uncommon in the village and the use of a zinc roof broadly reflects the colour and tones in the conservation but with a modern interpretation. The southern gable is predominantly glazed provided light and an open aspect over both floors.
- 7.3.2 Planning policy strives for good design and development which will add to the local area. It is considered that the design approach is one which provides for a modern dwelling which acknowledges local materials and vernacular and in principle can be supported. However, the overall scale of the building and its impact upon the Warton Conservation Area and the wider AONB is of concern and is address in detail in section 7.4 below.

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

The principle of development has been the subject of a formal pre-application enquiry. The proposal identified a red edged site and sought views over potential development of the site. In responding positively to the enquiry comment and constraints of the design and scale of any development were identified, in particular advice was provided over the sensitivity of the site and its key relationship/setting within the Warton Conservation Area. In responding officers advised: -

Extract from pre-application:

- The site occupies a particularly prominent and sensitive location in relation to both the landscape and heritage assets. Its elevated position means that any development will be visible from a number of vantage points to the east, south-east and possibly the south. The Warton Conservation Area Appraisal identifies a Significant View across the site from Crag Road down to the graves and trees of the church yard to St. Oswald's Church. As such, any development on the site will be seen in the context of a number of designated and non-designated heritage assets including the church and the George Washington Public House. Any proposed scheme will need to demonstrate that the proposal will not be unduly prominent from the surrounding landscape, will maintain the Significant View across the site and will not be harm to the setting of nearby designated and non-designated heritage assets.

The proposal as originally submitted has sought to develop a large site area, expanding the width of the site to the west to allow for the development of a detached garage, turning area and the dwelling. The presence of the overhead power line and 3m easement restricting any development on the east side of the plot. In practice this area could not have been developed given its relationship with the neighbouring dwelling, Bank Barn.

The use of a wider site than originally considered and the scale of the dwelling, in particular the rear southern projections has resulted in a severe restriction of the vista taken from Crag Road towards St Oswald's graveyard, church and village beyond. This view having been identified as a 'Significant View' within the Warton Townscape appraisal. Locations on Crag Road from where this view can be seen are quite narrow, the vista is currently framed by rising ground to the west and existing buildings to the east. The vista is form an elevated position looking down across open pasture to the St Oswald's churchyard, church and trees with some views out to the village and beyond to the River Keer Valley.

The introduction of a detached garage and proposed extent of the rear projection to the dwelling is considered to significantly erode the extent and quality of views from Crag Road. The limited openness of the vista has been further constrained and interrupted by the presence of the detached garage and rear projection of the building, preventing opened and clear views of the churchyard and St Oswald's. This is directly against the advice set out in the response to the pre-application enquiry.

The agent has been approached to revisit the scheme and look again at amendments to develop a more constrained arrangement which will provide for residential accommodation but will retain open aspects and views from Crag Road. The concerns of officers have been acknowledged by the applicant and the agent has been instructed to reconsider the scheme taking account of concerns raised by officers. These included: -

- Reduced red edge (in line with pre-application submission)
- Removal of garage as part of the scheme
- Reduction in length of the rear block by 5m to maintain open vista from Crag Road of church yard, church and open aspect beyond.

A revised scheme is to be re-drafted and is anticipated to be available for consideration by Members in time for the committee meeting.

The general approach to the design remains is to remain as the original submission and as set out in section 7.3 above, is considered acceptable. Critically, the garage is to be removed from the scheme, the site area is to be reduced and the length of the rear projection reduced in length by 5m. The proposal will still provide for a four bedroom dwelling but of a more modest scale and should retain the significant view identified in the Warton Townscape Appraisal. Parking will still be present to the west of the building but given the falling land levels to the south, the presence of parked cars are not considered to interrupt the views from Crag Road. Conditions will be required to ensure that permitted development rights are removed for all forms of development to ensure the western part of the site remains open.

The development also needs to be considered in respect of its impact from within the Conservation Area and in the wider Arnside and Silverdale AONB. Modelling has been provided for views of the development from within the Conservation Area, particularly from St Oswald's Churchyard and more distant views. The height, and massing of the development when viewed from within the village is considered to sit comfortably with the grain of existing development. The use of vernacular building forms, colours and texture along with setting the building into the rising ground has resulted in a development which is considered not to detract from the character and setting of the conservation area when viewed from within. The revised scheme as outlined, subject to appropriate conditions, is considered suitable for this sensitive site, protecting the setting of designated heritage assets and would not undermine the planning principles of the AONB and Conservation area.

Residential amenity

The scheme has been designed with the relationship of the neighbouring property, Bank Barn clearly in mind. Bank Barn sits approximately 3m below the main floor level of the proposed dwelling. The separation distance between the rear of Bank Barn and its associated garden is over 10m and set at an angle from the rear windows. The boundary of the site with Bank Barn is currently a retaining wall. This is retained in its current form with the main dwelling set back a further 6/7m from the top of the wall. The massing of the new dwelling is considered to be acceptable and would not unduly dominate the dwelling. There are a number of windows to be introduced on this elevation but these are either obscure glazed or designed to prevent any overlooking of the neighbouring property.

The main garden area is located to the rear of the property, accessed from the stepped access. The side garden has the potential to overlook the neighbours but given sloping ground levels is unlikely to be heavily used. Overall, as submitted, the scheme is considered to respect neighbouring amenity and subject to conditions to control the nature of glazing or future modifications the proposal would be acceptable. This relationship will only be improved by a reduction in the length of the rear projection and the overall massing of the building.

Access and Highways impacts

County Highways has raised objection to the proposal subject to a number of conditions which include control over sight lines, widening the proposed access to allow two vehicles to pass unhindered prior accessing/egressing to/from the adjacent public highway and appropriate surfacing. The scheme is to provide appropriate levels of car parking and turning within the site. These areas are to be hard-surfaced with water collection to prevent run-off, none over which could enter the highway. The re-alignment of the boundary wall will ensure the provision and maintenance of the request visibility splays.

A further suggested condition is the development of an oversized access 5m wide in instead of the proposed 3.5m access. This has been suggested to enable cars at access and exit the site simultaneously preventing waiting on the highway. Whilst this reasoning behind such a condition is understood, Crag road being of limited width and having some faster traffic coming down the hill. It is considered that the provision of such a wide access would be visually intrusive and could potential effect the root protection area associated with the neighbouring mature Ash tree lying just to the west of the application site boundary.

The provision of such a wide access to serve only a single dwelling is considered unreasonable and visually excessive. It is proposed that given the limited movements associated with the development of a single dwelling and the provision of adequate visibility splays that the access could remain as submitted and would adequately serve the property. The provision of parking/turning and the retention of visibility splays can be addressed by condition.

Other Matters

Affordable Housing Contribution - The Meeting Housing Needs Supplementary Planning Document sets out that off-site affordable housing in the form of a financial contribution is required from developments that result in a net increase of up to 4 units. The agent has acknowledged this demand and a willingness to provide a contribution.

Trees – There are no trees directly within the site but significant trees lie immediately outside the side on its western boundary albeit on highland. Tree in this area have been identified as significant within the Townscape appraisal and should be retained. The scheme has recognised the importance of the trees and is supported by an arboricultural assessment. The development lies outside but close to the nearest tree protection areas associated with a mature ash tree. The tree officer has not raised objection to the development but has suggested the application of conditions in respect of tree protection, methodology of construction/operation and additional planting.

Contamination - The City Council's Contaminated Land Officer has requested that a Preliminary Risk Assessment is provided along with standard contamination conditions applied to a consent. However, the submission sets out that the site has been historically used for grazing and has not been subject to any previous development. It is considered unlikely that the site has been subjected to levels of contamination and as such it is unreasonable to request a contaminated land survey. The site is within a Radon Potential area and as such full radon protection will be required as part of the Building Regulations. As such, there is unlikely to be any risk to future occupants from contaminated land. As a precautionary approach, it is considered that an unforeseen contamination condition be attached to a consent to develop.

Drainage – Foul water from the site is to be directed to the main sewer within the village. Surface water is to be retained within the site with the use of permeable surfacing, rain water harvesting and soakaways.

8.0 Planning Obligations

- 8.1 A Unilateral Undertaking will be required for the financial contribution towards the provision of affordable housing in the District.

9.0 Conclusions

- 9.1 The site is considered to be in a sustainable location and is of a sufficient size to comfortably accommodate a single dwelling. Subject to the receipt of revised plans which, from discussions are

anticipated to respect the character of the conservation area and retain the recognised significant vista - the proposal would be considered acceptable and will provide a contribution to housing within the District. Members will be provided with an update on any amendments received at the Committee.

Recommendation

That following the provision of an appropriately amended scheme, Planning Permission **BE GRANTED** subject to the signing and completing of the Unilateral Undertaking to secure the affordable housing contribution and the following conditions:

1. Standard 3 year time limit
2. Development in accordance with the approved plans
3. Amended plans
4. All permitted development rights removed
5. Boundary details including boundary wall height to Crag Road
6. Hours of construction
7. Unforeseen contamination
8. Samples of all external materials including coursing and finishes.
9. Obscure glazing to east elevation, where appropriate
10. Works to be undertaken in accordance with the submitted Arboricultural Implications Assessment
11. Submission/agreement of Arboricultural Method Statement
12. Tree protection plan
13. New tree planting scheme
14. Off-site highway work (vehicle crossing)
15. Setting back of gates and gatepost.
16. Hard surfaced access for a minimum of 5m from edge of highway boundary.

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:

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

The local planning authority has proactively worked with the agent in requesting further supporting information which has now positively influenced the proposal and has secured a development that now accords with the Development Plan and the National Planning Policy Framework.

Human Rights Act

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

Background Papers

None.

| | | |
|---|---|---|
| Agenda Item A11 | Committee Date 21 September 2015 | Application Number 15/00807/FUL |
| Application Site 1- 3 High Street Lancaster Lancashire LA1 1LA | Proposal Installation of 6 replacement external doors and 2 replacement windows | |
| Name of Applicant Mr Tom Greenwood | Name of Agent N/A | |
| Decision Target Date 18 August 2015 | Reason For Delay Committee Cycle | |
| Case Officer | Mrs Kim Ireland | |
| Departure | No | |
| Summary of Recommendation | Split decision – approval of the installation of two replacement windows and refusal of the installation of six replacement external doors. | |

(i) **Procedural Matters**

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

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a three storey end terrace property that is Grade II listed, located on High Street in Lancaster. The surrounding area mainly consists of terrace and detached residential and commercial properties.
- 1.2 The site is un allocated in the Lancaster District Local Plan proposals map and is situated within the Lancaster Conservation Area.

2.0 The Proposal

- 2.1 The application proposes the installation of six replacement external doors and two replacement external windows. The proposed installation of two windows are to replace the second floor windows to the north and south elevations of the external staircase. The existing windows are non opening timber casement windows and the proposed windows are to be timber frames with louvre windows to the top half. The proposed installation of six doors are to replace the six doors to the ground, first and second floor of the eastern elevation. The existing doors are made up of painted softwood and the proposed doors are to be composite.

3.0 Site History

- 3.1 None

4.0 Consultation Responses

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

| Consultee | Response |
|------------------------------|---|
| Conservation Officer | <p>Pre-application advice and a site visit was sought from the Conservation Officer, in which the use of upvc and composite windows and doors were discussed. The Conservation Officer on numerous occasions stated that the use of upvc and composite windows and doors would not be supported if applications were submitted. However alternatives such as upgrading the existing external timber doors with fire resistant paint and smoke seals, which would comply with fire regulations and would not require listed building consent would be acceptable.</p> <p>An objection was raised on the grounds that composite doors are not supported in a listed building, and we cannot be seen to be making exceptions for Council owned properties.</p> |
| Environmental Health Officer | No objections |

5.0 Neighbour Representations

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

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

Paragraph 17 - 12 Core Principles

Paragraphs 67 and 68 – Requiring Good Design

Paragraphs 131 – 134 – Conserving and Enhancing the Historic Environment

6.2 Development Management DPD

DM30 – Development affecting Listed Buildings

DM31 – Development affecting Conservation Areas

DM35 – Key design principles

7.0 Comment and Analysis

- 7.1
- General Design and Impact upon Heritage Assets; and
 - Impacts upon residential amenity

7.2 General Design and Impact upon Heritage Assets

The proposed installation of two replacement windows has been designed so that they are not out of character with the existing windows. The proposed replacement windows will not differ in appearance to the existing windows and therefore will not have a detrimental impact upon the listed building and conservation area.

The proposed installation of six replacement doors have not been designed to reflect that of the existing building and will not fit comfortably with the grade II listed building and the designated Lancaster Conservation area. The proposed installation of six replacement external doors will not sustain the significance of the heritage asset and therefore will be out of character and have a detrimental impact upon the listed building. It is thought to have an adverse impact to the setting of the Conservation Area.

7.3 Impacts upon Residential Amenity

The proposed development is not seen to have any adverse or detrimental impacts upon residential amenity. The property borders 5 High Street. However as the replacement doors are to the eastern

elevation and the replacement windows are to the northern and southern elevation are to be installed into an external staircase and not a habitable room, it is consequently not thought to have a detrimental impact upon the residential amenities.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 It is considered that the installation of two replacement windows are acceptable and can be granted for this element of the proposal. However the proposed installation of six replacement external doors have not been found acceptable in terms of design and built heritage conservation. However the Conservation Officer has worked proactively with the applicant, in which alternatives were discussed and could be supported. Unfortunately the applicant has not pursued the scheme that was discussed at pre-application stage and would be looked upon favourably and therefore the application is to be refused as we cannot be seen to be making exceptions for Council owned properties. In respect of these matters, it is not in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

Recommendation

That the application is subject of a **split decision**:

That Planning Permission **BE GRANTED** to approve 2 replacement windows subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Details of the louvre windows to be submitted

But that Planning Permission **BE REFUSED** for the installation of 6 replacement external doors for the following reasons:

1. The proposed installation of six replacement external doors, by virtue of their inappropriate material, would have a detrimental impact upon the character and appearance of the listed buildings. Therefore the proposal is contrary to Policy DM30 of the Local Plan for Lancaster District 2011-2031 (Development Management DPD - Adopted 2014) and the provisions of Paragraph 17 of the NPPF, in particular the requirement to conserve heritage assets in a manner appropriate to their significance, and Paragraphs 132 and 134.

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

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

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

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

Human Rights Act

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

Background Papers

None

| | | |
|--|---|--|
| Agenda Item A12 | Committee Date 21 September 2015 | Application Number 15/00440/LB |
| Application Site 1 - 3 High Street Lancaster Lancashire LA1 1LA | Proposal Listed building application for the installation of 6 replacement external doors and 2 replacement windows | |
| Name of Applicant Mr Tom Greenwood | Name of Agent N/A | |
| Decision Target Date 10 August 2015 | Reason For Delay Committee Cycle | |
| Case Officer | Mrs Kim Ireland | |
| Departure | No | |
| Summary of Recommendation | Split decision – approval of the installation of two replacement windows and refusal of the installation of six replacement external doors. | |

(i) **Procedural Matters**

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

1.0 The Site and its Surroundings

- 1.1 The property which forms the subject of this application relates to a three storey end terrace property that is Grade II listed, located on High Street in Lancaster. The surrounding area mainly consists of terrace and detached residential and commercial properties.
- 1.2 The site is un allocated in the Lancaster District Local Plan proposals map and is situated within the Lancaster Conservation Area.

2.0 The Proposal

- 2.1 The application proposes the installation of six replacement external doors and two replacement external windows. The proposed installation of two windows are to replace the second floor windows to the north and south elevations of the external staircase. The existing windows are non opening timber casement windows and the proposed windows are to be timber frames with louvre windows to the top half. The proposed installation of six doors are to replace the six doors to the ground, first and second floor of the eastern elevation. The existing doors are made up of painted softwood and the proposed doors are to be composite.

3.0 Site History

- 3.1 None

4.0 Consultation Responses

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

| Consultee | Response |
|----------------------|---|
| Conservation Officer | <p>Pre-application advice and a site visit was sought from the Conservation Officer, in which the use of upvc and composite windows and doors were discussed. The Conservation Officer on numerous occasions stated that the use of upvc and composite windows and doors would not be supported if applications were submitted. However alternatives such as upgrading the existing external timber doors with fire resistant paint and smoke seals, which would comply with fire regulations and would not require listed building consent would be acceptable.</p> <p>An objection was raised on the grounds that composite doors are not supported in a listed building, and we cannot be seen to be making exceptions for Council owned properties.</p> |

5.0 Principal National and Development Plan Policies

5.1 National Planning Policy Framework (NPPF)

Paragraph 17 - 12 Core Principles
 Paragraphs 67 and 68 – Requiring Good Design
 Paragraphs 131 – 134 – Conserving and Enhancing the Historic Environment

5.2 Development Management DPD

DM30 – Development affecting Listed Buildings
DM31 – Development affecting Conservation Areas
DM35 – Key design principles

6.0 Comment and Analysis

6.1

- General Design and Impact upon Heritage Assets

6.2 General Design and Impact upon Heritage Assets

The proposed installation of two replacement windows has been designed so that they are not out of character with the existing windows. The proposed replacement windows will not differ in appearance to the existing windows and therefore will not have a detrimental impact upon the listed building and conservation area.

The proposed installation of six replacement doors have not been designed to reflect that of the existing building and will not fit comfortably with the grade II listed building and the designated Lancaster Conservation area. The proposed installation of six replacement external doors will not sustain the significance of the heritage asset and therefore will be out of character and have a detrimental impact upon the listed building. It is thought to have an adverse impact to the setting of the Conservation Area.

7.0 Planning Obligations

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

8.0 Conclusions

8.1 It is considered that the installation of two replacement windows are acceptable and can be granted for this element of the proposal. However the proposed installation of six replacement external doors have not been found acceptable in terms of design and built heritage conservation. However the Conservation Officer has worked proactively with the applicant, in which alternatives were discussed

and could be supported. Unfortunately the applicant has not pursued the scheme that was discussed at pre-application stage and would be looked upon favourably and therefore the application is to be refused as we cannot be seen to be making exceptions for Council owned properties. In respect of these matters, it is not in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

Recommendation

That the application is subject of a **split decision**:

That Planning Permission **BE GRANTED** to approve 2 replacement windows subject to the following conditions:

1. Standard 3 year timescale
2. Development to be carried out in accordance to approved plans
3. Details of louvre windows to be submitted

That Listed Building Consent **BE REFUSED** for the installation of 6 replacement external doors for the following reasons:

1. The proposed installation of six replacement external doors, by virtue of their inappropriate material, would have a detrimental impact upon the character and appearance of the listed buildings. Therefore the proposal is contrary to Policy DM30 of the Local Plan for Lancaster District 2011-2031 (Development Management DPD - Adopted 2014) and the provisions of Paragraph 17 of the NPPF, in particular the requirement to conserve heritage assets in a manner appropriate to their significance, and Paragraphs 132 and 134.

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

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

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

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

Human Rights Act

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

Background Papers

None

LANCASTER CITY COUNCIL

| APPLICATION NO | DETAILS | DECISION |
|----------------|--|-----------------------|
| 13/00350/FUL | Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe Erection of a single wind turbine 55.6m to hub height, 79.6m to blade tip height and associated metering units for Stern Wind Ltd (Westgate Ward) | Application Refused |
| 14/01228/CU | Field 8100, Silverdale Road, Yealand Redmayne Erection of building to accommodate forestry machinery, workshop and store with single bedroom dwelling and office for Mr Nathan Crowe (Silverdale Ward) | Application Permitted |
| 15/00081/DIS | 75 Church Street, Lancaster, Lancashire Discharge of conditions of 5 -14 on 13/00692/LB for Mr zubeir mister (Dukes Ward) | Request Completed |
| 15/00099/DIS | Laund Fields, Stoney Lane, Galgate Discharge of conditions 4, 5, 8, 9, 12, 13a, 13b, 19, 20 and 21 on planning permission 12/00834/OUT for Mr Chris Gowlett (Ellel Ward) | Initial Response Sent |
| 15/00100/DIS | Laund Fields, Stoney Lane, Galgate Discharge of conditions 3, 4, 5, 9 and 10 on planning permission 14/01105/REM for Mr Chris Gowlett (Ellel Ward) | Initial Response Sent |
| 15/00103/DIS | 119 Main Road, Bolton Le Sands, Lancashire Discharge of conditons 3, 4, 5 and 6 on approved application 15/00291/FUL for Mr (Bolton Le Sands Ward) | Initial Response Sent |
| 15/00105/DIS | 23 Hest Bank Lane, Hest Bank, Lancaster Discharge of conditions 3, 4, 5, 6 and 7 on approved application 15/00073/REM for Sherwood Homes (Slyne With Hest Ward) | Initial Response Sent |
| 15/00112/DIS | Garages Opposite Kids Club, Dallas Road, Lancaster Discharge of conditions 3 and 4 on planning permission 14/01225/FUL for Mr James Goddard (Dukes Ward) | Initial Response Sent |
| 15/00118/DIS | G And L Car Services, Wheatfield Street, Lancaster Discharge of condition 18 on planning permission 14/01208/FUL for Mr Richard Harrison (Castle Ward) | Request Completed |
| 15/00119/DIS | Mossgate County Primary School, Kingsway, Heysham Discharge of conditions 3, 4, 5, 6, 7, 8, 9, 10 and 11 on application 14/01363/FUL for Colin Edwards (Heysham Central Ward) | Request Completed |
| 15/00120/DIS | Fanny House Farm, Oxcliffe Road, Heaton With Oxcliffe Discharge of conditions 3,4 and 6 on approved application 15/00243/FUL for Mr Robin Dummett (Heysham South Ward) | Request Completed |
| 15/00127/DIS | Squires Snooker Club, Penny Street, Lancaster Discharge of condition 5 and part discharge of condition 6 on approved application 14/01295/FUL for Cityblock Lancaster 4 (Dukes Ward) | Initial Response Sent |

LIST OF DELEGATED PLANNING DECISIONS

| | | |
|--------------|---|------------------------|
| 15/00135/FUL | Filter House, Scotforth Road, Lancaster Demolition of existing buildings for Mr William Mason (Ellel Ward) | Application Permitted |
| 15/00150/DIS | Sunnyside Camp Site, 268 Oxcliffe Road, Heysham Discharge of conditions 4, 5 and 6 on approved application 15/00458/CU for Mr W Howard (Westgate Ward) | Objection |
| 15/00265/AD | Track Off A683 Opposite Claughton Manor Brickworks, Hornby Road, Claughton Agricultural determination for the construction of a new access track for Natfarm Ltd (Lower Lune Valley Ward) | Prior Approval Refused |
| 15/00305/REM | Land To The Rear, 71 Hornby Road, Caton Reserved matters application for the erection of a detached residential dwelling for Mr J Meadowcroft (Lower Lune Valley Ward) | Application Permitted |
| 15/00329/CU | Workshop, Millhouses Road, Tatham Change of use and conversion of garage/office to create 1 two bed residential unit (C3) for Ms V May (Lower Lune Valley Ward) | Application Refused |
| 15/00430/FUL | 59 - 69 Palatine Avenue, Lancaster, Lancashire Replacement of wooden windows and fascia boards with uPVC for Mr Dave Williams (Scotforth East Ward) | Application Permitted |
| 15/00441/FUL | 8 Clevelands Avenue, Silverdale, Carnforth Erection of a single storey rear extension, construction of a raised roof to provide additional accommodation at first floor level, construction of a raised chimney, construction of a front portch and demolition of garage and creation of ramped access for Mr And Mrs Roberts (Silverdale Ward) | Application Permitted |
| 15/00463/FUL | 35 Morecambe Road, Morecambe, Lancashire Demolition of existing garage and erection of a single storey side and rear extension for Mr & Mrs K. Hanson (Torrisholme Ward) | Application Permitted |
| 15/00466/LB | Storrs Grange, Silverdale Road, Yealand Redmayne Listed building application for the installation of a multi fuel/wood burner and flue to the rear elevation for Mr Michael Wilson (Silverdale Ward) | Application Permitted |
| 15/00495/FUL | The Barn, Moss Lane, Silverdale Erection of a porch to the front elevation for Mrs M Mackintosh (Silverdale Ward) | Application Permitted |
| 15/00544/CU | The Forge, Mill Lane, Halton Change of use of agricultural land to domestic curtilage, erection of a single storey side and rear extension, raising the existing roof and installation of solar panels to the front elevation for Mrs Lois Hurst (Halton With Aughton Ward) | Application Permitted |
| 15/00550/LB | Chapel Cottage, Chapel Lane, Galgate Listed Building application for the replacement of 6 windows for Mr Andrew Poulter (Ellel Ward) | Application Permitted |
| 15/00566/FUL | Old Church House, Littledale Road, Quernmore Conversion of carport into habitable room, installation of solar panels to the front roof, installation of external flue, and siting of an oil tank and two air source heat pumps for Mr David Merritt (Lower Lune Valley Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

| | | |
|--------------|---|-----------------------|
| 15/00567/FUL | Land Adjacent Grasscroft, Borwick Avenue, Warton Erection of one detached two-storey dwelling with attached garage for Mr Terry Anderson (Warton Ward) | Application Permitted |
| 15/00590/FUL | 33 Walker Grove, Heysham, Morecambe Erection of a two storey side and rear extension for Mr & Mrs D Whitaker (Heysham South Ward) | Application Withdrawn |
| 15/00602/LB | Old Church House, Littledale Road, Quernmore Listed Building Application for the works required to convert the carport into habitable room, installation of solar panels to the front roof and installation of external flue for Mr David Merritt (Lower Lune Valley Ward) | Application Permitted |
| 15/00608/FUL | 9 Wharfedale, Galgate, Lancaster Construction of a dormer window to the rear elevation for Mr J. Harlow (Ellel Ward) | Application Permitted |
| 15/00619/FUL | Melling With Wrayton Ce School, Lodge Lane, Melling Erection of a front porch for Mrs Jodie Lumb (Upper Lune Valley Ward) | Application Permitted |
| 15/00632/FUL | 188 Main Street, Warton, Carnforth Demolition of existing garage, carport and conservatory to the side and rear elevations and erection of a two storey side extension, single storey rear extension and alterations to the front porch for Mr Roger Tall (Warton Ward) | Application Withdrawn |
| 15/00638/FUL | 3 Rotten Row, Brookhouse, Lancaster Erection of a single storey rear extension for Mr & Mrs C. Mason (Lower Lune Valley Ward) | Application Permitted |
| 15/00646/FUL | Ivy Bank Farm, Langthwaite Road, Quernmore Construction of two dormer windows to the front elevation and one dormer window to the rear elevation for Mr George Hargreaves (Ellel Ward) | Application Permitted |
| 15/00662/VCN | 111 Clarendon Road West, Morecambe, Lancashire Change of use of single dwelling house into two 2-bedroom flats (C3) and erection of a second storey extension (pursuant to the variation of condition 2 on planning permission 14/00624/CU to remove the proposed second storey extension) for Mr Simon Curwen (Heysham North Ward) | Application Permitted |
| 15/00681/FUL | 8 Borwick Mews, Borwick, Carnforth Construction of a dormer to the front elevation for Mr Jon Kerr (Kellet Ward) | Application Refused |
| 15/00689/FUL | 12 Birch Drive, Silverdale, Carnforth Construction of a dormer window to the side elevation for Mr & Mrs Emsley (Silverdale Ward) | Application Permitted |
| 15/00692/FUL | 17 Longlands Crescent, Heysham, Morecambe Construction of a hip to gable roof extension and a dormer window to the rear elevation for Mr C Tyson (Heysham South Ward) | Application Permitted |
| 15/00701/FUL | Knowsly Farm, Procter Moss Road, Abbeystead Demolition of existing buildings and erection of an agricultural livestock building, covered midden and creation of an underground slurry tank for Mr David Townley (Ellel Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

| | | |
|--------------|---|-----------------------|
| 15/00702/FUL | Knowsly Farm, Procter Moss Road, Abbeystead Demolition of existing shed and walled midden and erection of an agricultural livestock building for Mr David Townley (Ellel Ward) | Application Permitted |
| 15/00703/FUL | V E Pinington And Sons Ltd , Aldrens Lane, Lancaster Erection of a canopy to existing reception area, infill of passage between buildings, cladding and rendering of walls and insertion of new and replacement windows and external doors to the front and side elevations for Mr Mark Ayrton (Skerton East Ward) | Application Permitted |
| 15/00708/FUL | Sws Uk Ltd, Hornby Road, Claughton Installation of 5 windows to mezzanine area for Mr P Sowerby (Lower Lune Valley Ward) | Application Permitted |
| 15/00710/FUL | 1 The Headlands, Heysham, Morecambe Construction of a balcony over existing single storey rear extension and replacement of existing first floor rear window with bi-fold doors for Mr Mike Wolff (Heysham South Ward) | Application Permitted |
| 15/00711/FUL | 34 Colwyn Avenue, Morecambe, Lancashire Construction of dormer windows to the rear and side elevations and erection of a single storey side extension to form garage for Mr Daniel Baxendale (Bare Ward) | Application Permitted |
| 15/00712/FUL | 11 Ancliffe Lane, Bolton Le Sands, Carnforth Erection of a single storey side and rear extension for Mr J Whittaker (Bolton Le Sands Ward) | Application Permitted |
| 15/00721/LB | 18 Dalton Square, Lancaster, Lancashire Listed Building Application for internal refit works of stairway, flooring, ceiling tiles, lighting and attached wall shelving, re-painting the outer fascia and door and for the fitting of non-illuminated lettering for Mr John Gallemore (Dukes Ward) | Application Permitted |
| 15/00724/ADV | 18 Dalton Square, Lancaster, Lancashire Advertisement application for the display of non-illuminated lettering for Mr John Gallemore (Dukes Ward) | Application Permitted |
| 15/00725/LB | 19 Shore Road, Silverdale, Carnforth Listed building application for the erection of a single storey rear extension, replacement windows and patio doors to annex, replacement windows to south and east elevations of main dwelling, insertion of new first floor window opening on north elevation, insertion of new door openings, relocation of internal doors and partitions, re-roof part of annex, re-pointing of chimney stacks, new cast iron gutter to annex and new timber boarded door to annex for Ms Sue Crossley (Silverdale Ward) | Application Permitted |
| 15/00726/FUL | 31 Emesgate Lane, Silverdale, Carnforth Demolition of existing porch and detached garage, and erection of a single storey side extension comprising a car port and store, a single storey front extension and front porch for Mr J Rickards (Silverdale Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

| | | |
|--------------|---|-----------------------|
| 15/00728/LB | Moorgarth, Moorside Road, Brookhouse Listed building application for the installation of two roof lights to the east elevation and alterations to existing first floor staircase for H And J Clay (Lower Lune Valley Ward) | Application Permitted |
| 15/00730/FUL | Annex At The Firs, Chapel Walk, Warton Erection of a conservatory to the side of annex for Mr C Bowerman (Warton Ward) | Application Permitted |
| 15/00736/CU | Natwest Bank, Bigforth Drive, Lancaster University Change of use of bank (A2) to mixed retail/restaurant/hot food takeaway use (A1/A3/A5) for Mr Jo Hardman (University Ward) | Application Permitted |
| 15/00737/CU | LUSU Living, Bigforth Drive, Lancaster University Change of use of office (B1) to mixed retail/restaurant/hot food takeaway (A1/A3/A5) for Mr Jo Hardman (University Ward) | Application Permitted |
| 15/00746/FUL | Mill House, Millhouses Road, Tatham Erection of a conservatory to the rear and a two storey extension to the side for Mr G Cooper (Lower Lune Valley Ward) | Application Permitted |
| 15/00748/FUL | 20 Cove Drive, Silverdale, Carnforth Demolition of existing conservatory and garage to the rear and side elevations, erection of a replacement single storey rear and side extension, erection of a new raised roof to form first floor accommodation, and installation of pitched roof over existing front bay window for Mr & Mrs Birch (Silverdale Ward) | Application Permitted |
| 15/00751/FUL | Greenbank Farm, Kellet Road, Over Kellet Erection of a conservatory to the rear and a two storey side extension for Mrs P Thomas (Kellet Ward) | Application Permitted |
| 15/00752/FUL | Capernwray Hall, Borwick Road, Capernwray Demolition of existing single storey link building and removal of external fire escape, erection of a replacement two storey link building for Mr Thomas (Kellet Ward) | Application Permitted |
| 15/00753/LB | Capernwray Hall, Borwick Road, Capernwray Listed building application for the demolition of existing single storey link building, removal of external fire escape, erection of a replacement two storey link building, replacement of 1 window with 2, relocation of internal doors, partitions and staircases, blocking up of window opening and insertion of new first floor window for Mr Thomas (Kellet Ward) | Application Permitted |
| 15/00761/FUL | 67 Kayswell Road, Morecambe, Lancashire Extension to an existing dormer window to the front elevation, a hip to gable roof conversion and construction of a rear dormer for Mr & Mrs P. Rowlands (Torrisholme Ward) | Application Permitted |
| 15/00764/FUL | 14 Castle Park, Lancaster, Lancashire Construction of a glazed rooflight over existing rear courtyard for Mr Michael Greenhalgh (Castle Ward) | Application Permitted |
| 15/00765/LB | 14 Castle Park, Lancaster, Lancashire Listed building application for the construction of a glazed rooflight over existing rear courtyard for Mr Michael Greenhalgh (Castle Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

| | | |
|--------------|--|-----------------------|
| 15/00770/FUL | 12 Forgewood Drive, Halton, Lancaster Construction of a front dormer & erection of a single storey side extension for Mr & Mrs P. Hartley (Halton With Aughton Ward) | Application Permitted |
| 15/00771/FUL | 13 Richmond Avenue, Lancaster, Lancashire Erection of a two storey side and rear extension and construction of a porch to the front elevation for Mr S. Casson (Skerton East Ward) | Application Permitted |
| 15/00772/FUL | 4 - 5 Old Station Yard, Kirkby Lonsdale, Carnforth Conversion of existing industrial unit (B1/B8 use) to 3 separate units and installation of 3 doors for Trustees Of LMJ Derbyshire Trust (Upper Lune Valley Ward) | Application Permitted |
| 15/00782/FUL | 15 Hestham Avenue, Morecambe, Lancashire Erection of a single storey rear extension for Mr & Mrs S. Hague (Harbour Ward) | Application Refused |
| 15/00783/LB | Ripley St Thomas Church Of England Academy , Ashton Road, Lancaster Listed building application for the removal of internal partition walls and doors, and installation of a new integral glazed screen, desk and door for Mr (Dukes Ward) | Application Permitted |
| 15/00784/LB | Carnforth House Farm , 109 North Road, Carnforth Listed Building application to re-point frontage of house by removing cement mortar and replacing with lime mortar for Mr & Mrs Steven & Sharon Richmond (Carnforth Ward) | Application Permitted |
| 15/00800/LB | Folly End, Whitebeck Lane, Priest Hutton Listed building application for the installation of replacement windows and doors to the east, south and west elevations for Mrs M Wilkinson (Kellet Ward) | Application Permitted |
| 15/00801/LB | Ripley St Thomas Church Of England Academy , Ashton Road, Lancaster Listed building application for the removal of internal partition walls and doors, construction of new partition walls and door and creation of a new internal opening within a structural wall for Ripley St Thomas C.E. Academy (Dukes Ward) | Application Permitted |
| 15/00805/FUL | 6 Knowlys Grove, Heysham, Morecambe Erection of a single storey side and rear extension for Mr Michael Judd (Heysham South Ward) | Application Permitted |
| 15/00809/FUL | 2 Gordon Cottages, Main Road, Bolton Le Sands Erection of a single storey rear extension for Mr M O'Connor (Bolton Le Sands Ward) | Application Permitted |
| 15/00810/FUL | 22 Ullswater Road, Lancaster, Lancashire Demolition of existing rear extension and erection of a single storey rear extension and raised patio/decking area for Ms Sarah Houghton (Bulk Ward) | Application Permitted |
| 15/00812/LB | Burrow Hall, Burrow Road, Burrow Listed Building application for the replacement of existing glazed roof with a slate roof and removal of french doors to the existing summerhouse for Mr J Warburton (Upper Lune Valley Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00814/ADV | 262 Marine Road Central, Morecambe, Lancashire Advertisement application for the display of two non illuminated fascia signs, one non illuminated projecting sign and one welcome sign/ nameplate for The Royal Bank Of Scotland Group PLC (Poulton Ward) | Application Permitted |
| 15/00818/CU | Unit 35A, Slaidburn House, Tower Avenue Change of use of office (B1) into two units with a mixed retail/restaurant/hot food takeaway use (A1/A3/A5) and insertion of a new entrance door for Mr Jo Hardman (University Ward) | Application Permitted |
| 15/00819/FUL | 12 Gleneagles Drive, Lancaster, Lancashire Construction of a dormer window to the rear elevation for Mr Patrick Joleys (John O'Gaunt Ward) | Application Refused |
| 15/00820/FUL | 10 Somerset Avenue, Lancaster, Lancashire Erection of a two storey front extension for Mr And Mrs Paul Cottam (Scotforth West Ward) | Application Permitted |
| 15/00822/FUL | 3 Mill Hill Grove, Middleton, Morecambe Retrospective application for the retention of a raised patio area to the rear and erection of a boundary fence for Mr Barry Hall (Overton Ward) | Application Permitted |
| 15/00823/FUL | 55 Wordsworth Avenue, Bolton Le Sands, Carnforth Erection of a single storey rear extension with living accommodation in the roofspace for Mr J. Harrison (Bolton Le Sands Ward) | Application Permitted |
| 15/00826/FUL | Brunstow, Scriffen Lane, Ellel Creation of a slurry lagoon for Mr James Hayhurst (Ellel Ward) | Application Permitted |
| 15/00827/FUL | Marketgate Centre , Marketgate, Lancaster Refurbishment works consisting of repainting entrances and ceilings, replacement light fittings, construction of a new ceiling and installation of a wall light for Mr Chris Beckerman (Dukes Ward) | Application Permitted |
| 15/00829/VCN | Axa Direct, Northgate, White Lund Estate Application for the retention of a temporary portacabin (pursuant to the variation of condition 1 on planning application 06/00772/FUL to extend the temporary permission for a further 2 years until July 2017) for AXA (Westgate Ward) | Application Permitted |
| 15/00830/LB | The Morecambe Hotel , 25 Lord Street, Morecambe Listed building application for the fitting of 1 non-illuminated hanging sign and 4 non-illuminated wall signs for Mr R Taylor (Poulton Ward) | Application Permitted |
| 15/00831/ADV | The Morecambe Hotel , 25 Lord Street, Morecambe Advertisement application for the display of 1 non-illuminated hanging sign and 4 non-illuminated wall signs for Mr R Taylor (Poulton Ward) | Application Permitted |
| 15/00832/FUL | Lancaster Cricket Club, Lune Road, Lancaster Creation of new mini tennis court with associated works and fencing for Ms Susan Lucas (Castle Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00838/VCN | Land And Buildings At Former British Waterways Depot, Aldcliffe Road, Lancaster Residential development comprising the conversion of Listed Buildings to provide six dwellings and the erection of 8 new dwellings (pursuant to the variation of conditions 2 and 22 on planning application 14/00848/VCN to amend the site layout and reduce the footprint of the site access) for Mr Nick Wild (Dukes Ward) | Application Permitted |
| 15/00839/LB | Basin Bridge, Aldcliffe Road, Lancaster Listed building application for alteration of the site access road including the resurfacing of the road, introduction of bollards and the provision of a new grass verge for Mr Nick Wild (Dukes Ward) | Application Permitted |
| 15/00856/FUL | 9 St Christophers Way, Morecambe, Lancashire Retrospective application for the erection of a detached garage for Mr & Mrs D Nuttall (Bare Ward) | Application Permitted |
| 15/00858/FUL | Box Tree Cottage, Back Lane, Gressingham Demolition of existing rear conservatory and erection of a replacement single storey rear extension, alterations to the existing driveway and installation of a ground source heat pump for Mr & Mrs N Cottam (Upper Lune Valley Ward) | Application Permitted |
| 15/00861/FUL | 263 Marine Road Central, Morecambe, Lancashire Installation of a replacement ATM to the front elevation for HSBC Corporate Real Estate (Poulton Ward) | Application Permitted |
| 15/00866/FUL | 3 Browsholme Close, Carnforth, Lancashire Construction of a new roof to existing rear conservatory for Mr And Mrs Carter (Bolton Le Sands Ward) | Application Permitted |
| 15/00873/PAM | Land Off, Powderhouse Lane, Lancaster Prior approval for the replacement of existing 14m column with 17.5m monopole for Damian Hosker (Slyne With Hest Ward) | Prior Approval Not Required |
| 15/00875/FUL | Mill House Farm, Millhouses Road, Tatham Retention of a single storey side extension and car port for Mr & Mrs J & S Wood (Lower Lune Valley Ward) | Application Permitted |
| 15/00881/FUL | River Cottage, Millhouses Road, Tatham Erection of a single storey side extension for Mr & Mrs J & S Wood (Lower Lune Valley Ward) | Application Permitted |
| 15/00887/FUL | 10 Homfray Grove, Morecambe, Lancashire Erection of a single storey rear extension for Mr & Mrs K. Earnshaw (Torrisholme Ward) | Application Permitted |
| 15/00888/FUL | 8 York Road, Lancaster, Lancashire Erection of a part single part two storey rear extension for Mr & Mrs C. Rowbotham (Scotforth West Ward) | Application Permitted |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00892/VCN | Grove Street Depot, Grove Street, Morecambe Demolition of existing depot and erection of two three-storey residential buildings comprising a total of 21 self-contained one-bedroom supported living apartments with associated open space and car parking (pursuant to the variation of condition 10 on planning permission 15/00248/FUL to amend the wording of the occupation restrictions and management of the scheme) for HB Villages Developments Limited (Harbour Ward) | Application Permitted |
| 15/00895/FUL | 20 Lister Grove, Heysham, Morecambe Demolition of existing garage and erection of a 2 storey side extension for Mrs Sheryl De Carvalho (Heysham South Ward) | Application Permitted |
| 15/00920/FUL | 67 Twemlow Parade, Heysham, Morecambe Erection of a two storey rear extension, single storey rear extension and construction of a first floor rear balcony for Mrs M. Baker (Heysham Central Ward) | Application Permitted |
| 15/00924/FUL | Carr House, Littledale Road, Quernmore Erection of a first floor side extension for Mr John Hutchinson (Lower Lune Valley Ward) | Application Permitted |
| 15/00925/LB | Carr House, Littledale Road, Quernmore Listed building application for the erection of a first floor side extension and single storey rear extension, insertion of 3 windows to the front and rear elevations and construction of first floor internal stud walls to create additional rooms for Mr John Hutchinson (Lower Lune Valley Ward) | Application Permitted |
| 15/00926/PLDC | 10 Heysham Avenue, Heysham, Morecambe Proposed lawful development certificate for the erection of a double garage to rear of property for Darren Armitage (Heysham Central Ward) | Lawful Development Certificate Granted |
| 15/00929/PLDC | 144 Bare Lane, Morecambe, Lancashire Proposed lawful development certificate for a hip to gable extension and construction of a dormer window to the rear elevation for Mr & Mrs J. Westworth (Torrisholme Ward) | Lawful Development Certificate Granted |
| 15/00932/FUL | 49 Hest Bank Lane, Hest Bank, Lancaster Erection of a part single part 2 storey side and rear extension for Mr Richard Mews (Slyne With Hest Ward) | Application Refused |
| 15/00938/FUL | 71 Kayswell Road, Morecambe, Lancashire Demolition of existing rear porch and erection of a single storey rear and side extension for Mr & Mrs B Thompson (Torrisholme Ward) | Application Permitted |
| 15/00955/FUL | Greenlot Farm, Postern Gate Road, Quernmore Demolition of existing agricultural building and erection of a replacement agricultural building for Mr STEVEN BOLLAND (Lower Lune Valley Ward) | Application Permitted |
| 15/00969/AD | Track Off A683 Opposite Cloughton Manor Brickworks, Hornby Road, Cloughton Agricultural determination for the construction of a new access track for Mr Ronald Bargh (Lower Lune Valley Ward) | Prior Approval Refused |

LIST OF DELEGATED PLANNING DECISIONS

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| 15/00971/CCC | Westgate Primary School, Langridge Way, Morecambe Single storey extension to form new main entrance for Westgate Primary School (Westgate Ward) | No Objections |
| 15/00997/FUL | 17 St Patricks Walk, Heysham, Morecambe Erection of a two storey side extension for Mr R McKechnie (Heysham South Ward) | Application Refused |
| 15/01007/PAD | University Of Cumbria , Bowerham Road, Lancaster Prior Approval Application for the Demolition of part of the Askwith building, The Range and the nursery building for Mr Alexander McCallion (John O'Gaunt Ward) | Prior Approval Is Required |
| 15/01038/CCC | Field South Of Lythe Brow Farmhouse, Quernmore Road, Quernmore Deposit of inert waste to fill two depressions in agricultural field, levelled area to be grassed for Mr Tim Butler (Lower Lune Valley Ward) | No Objections |
| 15/01067/NMA | Cock Hall Farm, Lancaster Road, Cockerham Non material amendment to planning permission 13/00742/FUL to include alterations to doors and windows, reorientation of roof to single storey annex to the side and use of natural stone to front and side annex elevations for Mr And Mrs A Clarkson (Ellel Ward 2015 Ward) | Application Refused |