



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 11 JANUARY 2016

**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 14 December 2015 (previously circulated).

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

**4 Declarations of Interest**

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

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

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

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

### **Planning Applications for Decision**

#### Community Safety Implications

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

## Category A Applications

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

5	<b>A5 15/01176/FUL</b>	<b>12 Pinewood Avenue, Brookhouse, Lancaster</b>	<b>Lower Lune Valley Ward</b>	<b>(Pages 1 - 4)</b>
		Erection of a single storey side extension with dormer windows to the front and rear elevations and construction of a front porch for Mr Andrew Kehoe		
6	<b>A6 15/00949/FUL</b>	<b>Land South Of Cinderbarrow Lane, Lancaster</b>	<b>Kellet Ward</b>	<b>(Pages 5 - 15)</b>
		Installation of arrays of 2.5 metre high PV panels, underground cabling, substation/control room building, 1.9 metre high security fencing, 4 metre high CCTV masts, associated landscaping, temporary construction compound, and construction of an access point and internal roads to form a solar farm for Mr Martin Cole		
7	<b>A7 15/01368/FUL</b>	<b>5 and 6 Cable Street, Lancaster, Lancashire</b>	<b>Bulk Ward</b>	<b>(Pages 16 - 23)</b>
		Demolition of the rear extension to no. 5 Cable Street, change of use of no. 5 Cable Street from a social club to student accommodation comprising 4 studios, 2 bed cluster flat and common rooms and erection of a part 2, 4 and 5 storey student accommodation building comprising 84 studios with a single storey link building and relevant demolition of an unlisted building (no. 6 Cable Street) in a Lancaster Conservation Area for Lancaster SPV Limited		
8	<b>A8 15/01369/LB</b>	<b>5 and 6 Cable Street, Lancaster, Lancashire</b>	<b>Bulk Ward</b>	<b>(Pages 24 - 29)</b>
		Listed Building application for the demolition of no. 6 Cable Street, the rear extension to no. 5 Cable Street		

and the 2 terraces of garages, works to facilitate the change of use of no. 5 Cable Street from a social club to student accommodation comprising 4 studios, a 2 bed cluster flat and common rooms, erection of a single storey link building to the rear and alterations to the boundary wall for Lancaster SPV Limited

9	A9 15/01282/OUT	<b>Land North of New Quay Road, Lancaster, Lancashire</b>	<b>Marsh Ward</b>	<b>(Pages 30 - 37)</b>
		Outline application for the erection of up to 14 dwellings for Lancaster Port Commissioners		
10	A10 15/01355/VLA	<b>Land to the rear of Burr Tree Cottage, Long Level, Cowan Bridge</b>	<b>Upper Lune Valley Ward</b>	<b>(Pages 38 - 41)</b>
		Variation of legal agreement attached to planning permission 15/00537/FUL to amend affordable housing provision for Mr Richard Morton		
11	A11 15/01167/FUL	<b>Land East of Railway Line, St Michaels Lane, Bolton Le Sands</b>	<b>Bolton and Slyne</b>	<b>(Pages 42 - 49)</b>
		Erection of 20 dwellings with associated new access for Mr Gary Middlebrook		
12	A12 15/01278/FUL	<b>Land at, Coastal Road, Bolton Le Sands</b>	<b>Bolton and Slyne</b>	<b>(Pages 50 - 57)</b>
		Erection of 30 dwellings with associated access and landscaping for Mr Gary Middlebrook		
13	A13 15/01512/LB	<b>15 Middleton Road, Heysham, Morecambe</b>	<b>Heysham South Ward</b>	<b>(Pages 58 - 60)</b>
		Listed Building Application for the new window arrangement on the south elevation, installation of a flue, re-instatement of chimney pots to existing stacks, installation of double		

sided fireplace including the removal of the back of the fireplace, and removal of internal walls with the insertion of steel beams and relocation of internal doors on the ground floor for Mr Stuart Bateson

**14     A14 15/01520/FUL     10 Plover Drive, Heysham, Morecambe     Heysham South Ward     (Pages 61 - 63)**

Erection of a single storey front, side and rear extension for Ms K. Haddon

**15     Delegated Planning Decisions (Pages 64 - 71)**

#### **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 Guiding (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](mailto:smoorghen@lancaster.gov.uk).

**(iv)    Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

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

Published on Tuesday, 22 December 2015.

<b>Agenda Item</b> A5	<b>Committee Date</b> 11 January 2016	<b>Application Number</b> 15/01176/FUL
<b>Application Site</b> 12 Pinewood Avenue Brookhouse Lancaster Lancashire	<b>Proposal</b> Erection of a single storey side extension with dormer windows to the front and rear elevations and construction of a front porch	
<b>Name of Applicant</b> Mr Andrew Kehoe	<b>Name of Agent</b> Mr Richard Mews	
<b>Decision Target Date</b> 7 December 2015	<b>Reason For Delay</b> Committee cycle and deferral to January Committee	
<b>Case Officer</b>	Mr Robert Clarke	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, Councillor Joan Jackson requested it be referred to the Planning Committee for a decision on grounds of the development's overbearing and intrusive nature.

Additionally the application was deferred at the 14 December 2015 Planning Committee, to allow a site visit to take place. Officers have already explained to both the applicant and the objector that the site visit will include visits to both of their properties, in the interests of fairness.

**1.0 The Site and its Surroundings**

- 1.1 The property which forms the subject of this application relates to a semi-detached single storey bungalow located on Pinewood Avenue in Brookhouse.
- 1.2 The surrounding area is residential in character with a mixture of semi-detached bungalows and dormer bungalows of similar character and appearance to the application property.
- 1.3 The site is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the District's Countryside Area.

**2.0 The Proposal**

- 2.1 The application proposes the erection of a single storey side extension with front and rear dormer windows and construction of a front porch. The side extension will extend from the western elevation of the dwelling up to a maximum of 2.2m and have a maximum length of 7.4m. It will be set back from the front elevation of the original dwelling by 0.75m. The extension will have a maximum height of 4.6m to the ridge of the pitched roof. The proposed front dormer will have a width of 2m, a height of 1.6m and a projection of 2.3m. The proposed rear dormer will have a width of 2m, a height of 1.8m and a projection of 3m. The proposed front porch will have a maximum width of 2.4m, a maximum height of 3.4m and a projection of 0.8m. The walls of the entire dwelling, including the extension will be rendered in K-Rend Arctic White. The roof of the extension will be constructed with matching concrete tiles, whilst the faces and sides of both the front and rear dormers will be tile hung

to match. White matching uPVC doors and windows will be installed throughout the development.

### **3.0 Site History**

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
12/00298/FUL	Erection of a single storey extension to the rear with raised decked area	Refused
12/00722/FUL	Erection of a single storey rear extension	Permitted
12/01022/NMA	Non material amendment to 12/00722/FUL to replace a single roof light with three smaller roof lights	Permitted
14/00290/FUL	Erection of a single storey side extension	Withdrawn
14/00565/FUL	Erection of a single storey side extension and porch	Permitted

### **4.0 Consultation Responses**

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

Consultee	Response
<b>Caton-with-Littledale Parish Council</b>	C-w-L PC submitted comments on the 12/11/2015 objecting to the proposal on the grounds of the developments scale, massing and its impact upon residential amenity. They wrote again on 09/12/2015, in response to the comment received by the applicant who asked for the initial Parish Council comments to be withdrawn. C-w-L PC resolved not to withdraw their initial comments for this application and highlighted the fact that concerns were raised by the Parish Council regarding the previous application, 14/00565/FUL.

### **5.0 Neighbour Representations**

5.1 Two pieces of correspondence, one of support and one of objection, have been received. The reason for support is based on a good use of space, and the reasons for objection are the development's overbearing design and its impacts upon residential amenity.

The applicant submitted comments on the 01/12/2015 in response to the comments submitted by C-w-L PC. The applicant voiced concern regarding the Parish Council's consultation comments for the previous application, 14/00565/FUL, and those for the current application.

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

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

Paragraph 7, 12, 14, 17 – Sustainable Development and Core Principles  
 Paragraphs 56-64 – Requiring Good Design  
 Paragraph 115 – Development in an AONB

#### **6.2 Development Management DPD**

**DM35** – Key Design Principles  
**DM28** – Development and landscape impact  
**DM22** – Vehicle parking provision

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

**SC1** – Sustainable Development  
**SC5** – Achieving Quality in Design

6.4 Lancaster District Local Plan Saved Policies

**E3** – Development in an AONB

**E4** – Countryside Area

**7.0** Comment and Analysis

7.1 The key considerations in the assessment of this application are:

- General design within the AONB and potential for impact upon the designation;
- Impacts upon residential amenity; and,
- Vehicle parking provision

7.2 General design within the AONB and potential for impact upon the designation

Paragraph 115 of the NPPF explains how great weight is given to conserving landscape and scenic beauty in AONBs. This part of the AONB is already urbanised by dwellinghouses, and the scale of the development and the materials being proposed are such that the extensions would be read as part of the existing dwelling. The development would not be obtrusive as part of the street scene, and would respect the character and appearance of the general locality. Additionally, there are already a number of side extensions and a large number of dormer windows located within the immediate area. It is considered therefore that the proposal would not have an adverse impact upon the AONB.

7.3 Impacts upon residential amenity

This committee report already highlights the planning history relating to this property. The most recent application (Ref: 14/00565/FUL) granted planning permission for a side extension and a porch. The porch remains acceptable in planning terms and none of the objections that have been received explicitly refer to the porch.

7.4 Turning to the side extension, this will bring the built form of development to within 7m of the side-facing dormer window, which is a primary window serving the neighbour's (14 Pinewood Avenue) bedroom. Whilst this is below the recommended 12m distance between a habitable room window and a blank gable end, Officers in 2014 took account of the splayed nature of Number 14, and the fact that the bedroom window is angled towards the front of 12 Pinewood Avenue (rather than directly towards the side, or towards the rear). Officers also considered that the side extension had been set-in slightly during the 2014 application, in an attempt to reduce its bulk and massing.

7.5 The approved side extension permitted a structure measuring 2.3m in width, 7.4m in length and 4.6m in height. The side extension currently proposed would measure approximately 100mm less in terms of width, with the height and length remaining unchanged from the 2014 proposals. In that regard the side extension, when taken alone, would represent a modest improvement in terms of residential amenity when compared to the structure already granted planning permission, and Officers do not object to this element of the proposal.

7.6 It is the introduction of the front and rear dormers that materially alters the proposal when compared to 2014. It is accepted that the dormers will clearly add to the general mass of the roof structure to the property. Taking the rear dormer first, this structure would limit some of the oblique views from the existing dormer window of the neighbouring Number 14. However the proposed rear dormer is positioned beyond the neighbour's dormer window, and it would have an altogether different aspect. As such it is considered that it does not have a detrimental impact in terms of residential amenity, nor in terms of its physical relationship with Number 14 in terms of scale or mass. Similarly the proposed rear dormer window would not adversely affect the outlook or amenity enjoyed from the neighbour's rear gable end 1<sup>st</sup> floor window either. The rear dormer is, for these reasons, considered acceptable.

7.7 The front-facing proposed dormer window would have a different relationship with neighbouring Number 14. It would be more prominent because the neighbour's side-facing dormer faces east (slightly south-east), and the applicant's proposed dormer would be visible in most of this eastern aspect. However, given that the neighbour's dormer is not centrally-positioned on the eastern-facing roof slope, and is located closer towards the front portion of the dwelling as opposed to the rear,

Officers consider that a dormer window can be accommodated at the application site without adversely impacting upon sunlight or daylight enjoyed by the neighbour. It is also considered that the proposal would not be overly-overbearing in relation to the neighbouring dwelling.

### 7.8 Vehicle parking provision

Although the proposed side extension will prevent parking behind the building line the existing driveway has sufficient space for at least two vehicles which is deemed acceptable for a property of this size.

### 8.0 Planning Obligations

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

### 9.0 Conclusions

9.1 The porch is acceptable in terms of scale, location and design. The side extension is considered appropriate and its dimensions would actually represent a slight reduction in form and mass when compared to that approved in 2014.

9.2 Where the proposal does differ from the previous submission is the inclusion of the two dormers. The splayed nature of the neighbour's dwelling, whilst creating an awkward relationship between the two properties, is considered to assist in mitigating the physical and visual impact of both the proposed dormers. It is for that reason that Officers consider that the application can be supported.

### Recommendation

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

1. Standard three year timescale.
2. Development in accordance with plans.
3. Amended plan ref: Project: 103 drawing No: 102 Revision: 2 as received by email on the 09/11/2015.
4. Front and rear dormers to be tile hung.

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

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

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

### Human Rights Act

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

### Background Papers

None



Agenda Item A6	Committee Date 11 <sup>th</sup> January 2016	Application Number 15/00949/FUL
<b>Application Site</b>  Land South Of Cinderbarrow Lane Lancaster Lancashire	<b>Proposal</b>  Installation of arrays of 2.5m high PV panels, underground cabling, substation /control room, 1.9m high security fencing, 4m high CCTV masts and construction of an access point and internal roads to form a solar farm.	
<b>Name of Applicant</b>  Mr Martin Cole	<b>Name of Agent</b>  NA	
<b>Decision Target Date</b>  25 December 2015 (Time extension agreed until 18 <sup>th</sup> January 2016)	<b>Reason For Delay</b>  Awaiting Further Information / Re-consultation	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Note**

A site visit was arranged for Elected Members and undertaken on 9<sup>th</sup> November 2015. There was a subsequent delay in the report being drafted due to the need for amended documents, and to overcome concerns in relation to Nature Conservation, Landscape and Visual Matters and also Highways. The above issues have now been resolved as this report acknowledges, and therefore the application comes before Committee for determination.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located circa 1.7 km to the south of Burton-in-Kendal, with Yealand Conyers located 1.5 km to the west of the site, and Priest Hutton circa 1.2 km to the south-east. The application site essentially consists of two fields. The northern most field is used for crop growing, whereas the southern field is used for grazing livestock, with the application boundary of the site being circa 10 hectares. The site is bound by existing mature hedgerows to the north (along Cinderbarrow Lane) and down approximately 70% of the eastern boundary. The southern boundary of the site is then bound by hedgerow. The western boundary is largely open, however there are interspersed areas of tree and hedgerow planting. Both of the fields slope gently upwards in an easterly direction from the lowest point of the site on the western edge at approximately 46m above Ordnance Datum (AOD) to approximately 56m AOD on the eastern most edge of the site.
- 1.2 Cinderbarrow Lane is located directly to the north, which also serves as the sites means of access beyond this are agricultural fields as there are to the southern and eastern boundaries. The Lancaster Canal directly abuts the application site with the towpath beyond the canal. The M6 motorway is located 50 metres away to the west. The nearest residential property to the proposed development is located approximately 260 metres to the south east of the site.
- 1.3 The site is allocated in the adopted Local Plan as Countryside Land and Cinderbarrow Lane is on the Northern Loop cycle route (Regional Cycle Route 90) which is immediately to the north of the site. The site is within a mineral safeguarded zone and at potential risk from radon. The site is not within a protected landscape although it is circa 800 metres (at its closest point to the boundary) to

the Arnside and Silverdale Area of Outstanding Natural Beauty. The site is not within any statutory designation for ecology however lies immediately adjacent to the Lancaster Canal which is a County Biological Heritage site.

## **2.0 The Proposal**

- 2.1 The proposed development is for the installation of a solar farm with an installed capacity of 4.99 MW. Amended plans were received in December 2015 with an amended layout, with the panels being orientated to the south east together with changes to the on-site layout, amendments to the landscaping arrangements and confirmation regarding the panel heights.
- 2.2 The development consists of 19,200 Photovoltaic solar panels and associated cabling and will utilise string inverters. The panels will be south east facing, tilted at a 20 degree angle and arranged in rows separated by circa 6 metres (albeit with topography this could be between 5-8 metres). Whilst the exact panel will be the subject of a tendering process it will be dark grey/blue in colour and have anti-reflective coatings to minimise glare. Once in place the panels will be circa 0.75m above ground at the front and 2.5 metres at the rear. In addition to the panels the applicants propose to erect a substation/control building circa 14.04m x 7.1 x 4.5m in height. There will be associated 1.9 metre high deer stop fencing along the boundary of the site in addition to 4 metre high CCTV columns together with a new entrance off Cinderbarrow Lane and associated on site access tracks.
- 2.3 The development seeks permission for a 25 year planning permission, after which time the land will be restored and returned to agricultural use. Additional planting in the form of hedgerows are proposed on the boundaries of the site notably along the western stretch which in essence will consist of a new hedgerow circa 500 metres in length, as is wildflower planting within the site.

## **3.0 Site History**

- 3.1 There is no relevant site history, with the exception of a Screening Request made under the Environmental Impact Assessment (EIA) Regulations (Ref: 14/01203/EIR). The local planning authority concluded that the development did constitute EIA development, however the applicant appealed to the Department for Communities and Local Government, who concluded that an EIA was not required.

## **4.0 Consultation Responses**

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

Consultee	Response
<b>Highways England</b>	Initial concerns were raised with respect to Glint and Glare on the M6. Subsequently a Glint and Glare report was produced and Highways England have <b>no objection</b> in principle to the development subject to conditions concerning prevention of glare, drainage, no direct vehicular or pedestrian access.
<b>Canal and Rivers Trust</b>	<b>No objection</b> subject to conditions requiring landscaping, long term maintenance, protection of heritage assets, surface water run-off from the site.
<b>Lancashire County Ecology</b>	<b>No observations</b> received within the timescales.
<b>Lancashire County Council (Highways)</b>	<b>No objection</b> , however recommends conditions associated with a construction method statement, protection of visibility splays through hedgerow cutting and the width of the highway into the site to be 7 metres in width for a minimum length of 10 metres.
<b>Environmental Health</b>	<b>No objection</b> , radon gas measures may be required.
<b>Tree Protection Officer</b>	<b>No Objection</b> , however concerns raised as there is no copy of the Tree Protection Plan within the Arboricultural Assessment; recommendation of the use of a no dig within root protection areas; and the report contains no details of replacement planting whether the substation can be in the location as proposed due to impact on the adjacent Oak tree.
<b>Conservation Section</b>	<b>Objection</b> to the development on the basis of a detrimental impact on the setting of Saltermire Bridge, Tewitfield Locks and the Yealand Quaker Meeting House.

<b>County Archaeologist</b>	<b>No objection</b> , however recommends that the site does have some archaeological potential and proposes a condition regarding archaeological recording
<b>Historic England</b>	<b>No objection</b> in principle, however the views of the County Archaeologist should be sought regarding buried remains
<b>Lancashire County Council (Mineral Safeguarding)</b>	<b>No observations</b> received within the timescales.
<b>Environment Agency</b>	<b>No comment</b> to make on the application.
<b>Ministry of Defence</b>	<b>No observations</b> received within the timescales.
<b>Civil Aviation Authority</b>	<b>No comment</b> to make on the application.
<b>Natural England</b>	Initially objected to the development in so far as insufficient information has been submitted to demonstrate whether the scheme would have a significant effect on any European site, following the receipt of additional information raise <b>no objection</b> .
<b>Royal Society for the Protection of Birds</b>	<b>No observations</b> received within the timescales.
<b>South Lakeland District Council</b>	<b>No observations</b> received within the timescales.
<b>Ramblers Association</b>	<b>Objection</b> to the development due to the visual impact upon users of the canal towpath.
<b>Arnsdale and Silverdale AONB Partnership</b>	<b>Objection</b> , would have significant detrimental impacts on the landscape and special qualities of the AONB and consider that the impact on the AONB has not been fully assessed, cumulative impacts along the M6 corridor have failed to have been assessed by the applicant.
<b>County Council Landscape Services</b>	<b>Objection</b> , recommends that there are severe limitations within the applicants landscape assessment in terms of technical issues. Has raised the issue solar farms should be sited on sites with a flat topography, the hedgerow is insufficient to provide any screening, the design of the site is industrial and lacks space for planting.
<b>Lead Local Flood Authority</b>	<b>No Objection</b> .
<b>Blackpool Airport</b>	<b>No observations</b> received within the timescales.
<b>Yealand Conyers Parish Council</b>	<b>Objection</b> to the scheme based on lack of conformance to the Local Plan, loss of agricultural land, detrimental to tourism, driver distraction issues, within a high radon area, lack of benefits to the community, and landscape and visual concerns.
<b>Yealand Redmayne Parish Council</b>	<b>Objection</b> on the basis of cumulative development along the M6 corridor, solar power is inefficient and a waste of money, loss of agricultural land, impact on the AONB, distraction to users of the M6 and the highway network is considered inappropriate.
<b>Priest Hutton Parish Council</b>	<b>No observations</b> received within the timescales.
<b>Campaign for the Protection of Rural England</b>	<b>No observations</b> received within the timescales.
<b>Greater Manchester Ecology Unit</b>	<b>No Objection</b> , however recommend conditions to address a revised biodiversity management plan, protection of nesting birds, method statements to protect the Lancaster Canal Biological Heritage Site, and conditions associated with protected species.
<b>United Utilities</b>	<b>No Observations</b> received within the timescales.
<b>Public Rights of Way Officer</b>	<b>No Observations</b> received within the timescales.

## **5.0 Neighbour Representations**

5.1 **18** pieces of correspondence of have been received. **17** of these raise objection and **1** is in support. The reasons for the opposition include;

- Urbanisation of the landscape;
- Erosion of the Countryside;
- Lack of community benefit;

- Driver distraction on the M6;
- Adverse landscape impact;
- Lack of consultation to residents in Yealand Redmayne and Yealand Conyers;
- Generation by the panels is minimal and reliant on subsidies;
- Incorrectly sited panels;
- Environmental disruption to the area from the associated infrastructure that is required to facilitate the development;
- Lack of consideration to the amenity of those living in Yealand Redmayne and Conyers;
- Prominent and alien feature will be seen from the Yealands;
- Adverse Impact on cultural heritage and users of the canal towpath;
- The application contains misleading information regarding the heights of panels and the layouts are incorrect.

The reason for support;

- Carbon free energy without adverse environmental impacts.

Councillor Mace on behalf of the residents in Borwick and Priest Hutton raises an objection to the scheme on the basis of loss of farmland, a conflict between food production and energy security, loss of visual amenity and adverse impact on the setting of the locks and weirs.

Councillor Goodrich objects to the development on the basis of the scheme being an industrial installation.

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

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

Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles  
Paragraph 32 – Access and Transport  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraphs 93, 97 and 98 – Delivering Renewable and Low Carbon Energy  
Paragraphs 118 and 119 – Conserving and Enhancing Biodiversity  
Paragraphs 131 and 132 – Heritage Assets

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

SC5 – Achieving Quality in Design  
ER7 – Renewable Energy

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

E4 – Countryside Area

#### **6.4 Development Management DPD**

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

## 6.5 Other Material Considerations

- A Landscape Strategy for Lancashire – December 2000
- Written Ministerial Statement – Solar Energy: Protecting the local and Global Environment dated 25<sup>th</sup> March 2015.
- National Planning Practice Guidance – Renewable and Low Carbon Energy (Paragraph 13)
- Lancashire Minerals and Waste Local Plan – Policy M2

## 7.0 Comment and Analysis

The application raises a number of issues in relation to the below;

- Principle of Development;
- Loss of Agricultural Land / Consideration of Alternatives;
- Impact on Heritage Assets;
- Landscape Character Impact;
- Visual Impact;
- Ecological issues;
- Trees;
- Drainage Matters;
- Highways;
- Mineral Safeguarding;
- Contribution to Renewable Energy;
- Other Material Considerations.

### 7.1 Principle of Development

7.1.1 In the National Planning Policy Framework (NPPF) at paragraph 93 it states that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development with a presumption in favour of sustainable development is set out in para 14. In taking decisions in accordance with the NPPF, the presumption in favour of sustainable development requires that planning permission should be granted unless any adverse impacts of a proposal would significantly outweigh the benefits, when assessed against the policies in the NPPF. Thus the provision of renewable energy forms a vital part of the Governments Policy in relation to Sustainable Development, and there is a clear presumption in favour of development which would provide for renewable energy.

7.1.2 The Planning Practice Guidance (PPG) for renewable and low carbon energy sets out the key considerations to take into account when assessing proposals for its deliver, but does not set aside the presumption in favour of sustainable development set out in the NPPF. Therefore it is clear that the principle of this form of development (notwithstanding the issues that will be raised later in this report) can be found acceptable where it is appropriate in scale, located in an area which does not contribute positively to the objectives of the designation and is sympathetically designed.

### 7.2 Loss of agricultural land / consideration of alternatives

7.2.1 Policies in the NPPF seek to promote the best and most versatile agricultural land, and PPG advises that where green field sites are proposed, poorer quality agricultural land should be used in preference to higher quality land, and the proposal should allow for a continued agricultural use, and/or encourage biodiversity improvements around the solar arrays. It should be stressed that there is no explicit requirement in the NPPF or PPG to carry out the sequential tests to determine whether alternative brown field or lower grade agricultural land is available. Notwithstanding this, it is clear from recent planning appeal decisions that the Inspectorate is attaching significant weight to not utilising land for solar developments which can be used for agriculture.

7.2.2 The application is supported by an agricultural land classification report which sets out that the site is Grade 3b, which is not included in the definition of “best and most versatile (BMV)” agricultural land (which comprises Grade 1, 2 and 3a). The majority of the site is currently used for growing maize crops but in the absence of the LPA commissioning their own study, it has to be assumed that the site does not fall within the definition of BMV land despite the grading by the (then) Ministry

of Agriculture, Fisheries and Food (MAFF) being Grade 3 across the site, and based on climate alone the site would be identified as Class 3a, but coupled with wetness this brings this down to 3B. It should be noted that Natural England have been consulted (they have a statutory role in advising local planning authorities about land quality matters) and they have not raised any concerns over the findings within the report.

- 7.2.3 The panels would be raised above ground level to allow sheep to graze therefore enabling some continuation of agricultural use; and biodiversity improvements are also proposed across the site, such as wildflower meadows and new hedgerows. The grazing of sheep proposed in this case would be an incidental use rather than the result of a viable sheep farming enterprise, and notwithstanding this; taking the land out of intensive agricultural production and using it for a solar farm and grazing, potentially, with appropriate management, may result in some improvement to the soils. However for this to occur it is seen appropriate to ensure the restoration of the site would need to be done in accordance with a specific construction management plan and a condition could address the restoration of temporary access tracks and compounds.
- 7.2.4 An initial concern with the application was that it was not accompanied by a sequential assessment to demonstrate that there was no preferable brownfield sites, or sites of a lower agricultural quality available for the development. During the application process the applicants have submitted a consideration of alternative sites albeit solely based upon the Grid Connection point which is located circa 1km to the North West of the application site. It would appear that the applicant has dismissed the District's urban areas and has not considered brownfield sites and a reasonable distance outside of it.
- 7.2.5 In the absence of anything from the contrary from Natural England with respect to the agricultural land classification it has to be concluded that the site is not best and most versatile. Notwithstanding this the proposed development fails to comply with the NPPF or NPPG in so far as the applicant has failed to demonstrate that the use of agricultural land is necessary or that the use of a lower grade of land was explored such as Grades 4 and 5. However it is considered that this single reason for refusal would be difficult to substantiate at appeal, given the site is not "best and most versatile".
- 7.2.6 Given the above, the land is not deemed to be best and most versatile and given the wildflower meadow with sheep grazing it is considered that the scheme does meet the overall aims for the development of a greenfield solar farm as set out in the NPPF/PPG.

#### 7.4 Impact On Heritage Assets

- 7.4.1 National guidance is clear that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. It should be noted that the significance of a heritage asset derives not only from its physical presence, but also from its setting. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision takes to have special regard to the desirability of preserving the setting of a listed building.
- 7.4.2 The Council's Conservation Officer has recommended that the application be refused on the basis of significant impacts on Saltermire Bridge and Tewitfield Locks (Grade II), and the Yealand Quaker Meeting House (Grade II\*), together with concerns that a tunnel effect will be created along the canal corridor, which is viewed to be contrary to Policy DM32 of the Development Management DPD; as the proposals would fail to preserve or enhance the setting of the designated assets. The views of the Conservation Officer are noted, in particular to views of Saltermire Bridge and also the Tewitfield Locks. With respect to Saltermire Bridge; it is concluded that the development inevitably would add a modern, visually prominent feature into the bridges setting, but it is considered that given the presence of the proposed screening along the boundary of the site the overall effects would be minor. In terms of the impact on the setting of the locks it is considered that there would be a negative effect on the setting of the top two of the listed locks. However as part of the mitigation of appropriate landscaping along the western boundary this would mean that there would be a negligible impact. Concerns have been raised in relation to the impact on Yealand Quaker House which is sited circa 1.5 km to the east. The Conservation Officer has concerns regarding the setting, given there are views out of the burial ground and from the entrance porch across the rural landscape. It is considered that the graveyard would remain rural and the proposed development would not dominate the views or intrude on the atmosphere of the graveyard. Historic England have

raised no concerns regarding the setting of the Grade II\* listed building and therefore it is not considered that there would be any significant impacts.

7.4.3 Historic England's position regarding the heritage assets, including the listed locks, is one of no objection. They acknowledge that there will be an impact upon the canal bridge and the locks, but they consider that "...*this would not be so substantial as to justify the withholding of consent*". A similar stance has been taken by the Canal and River Trust who have assessed the impact on Saltermire Bridge as being minimal to negligible, and having a negative effect on the setting of the top two locks but given the proposed landscaping this would mitigate some of the impacts over time. There has been concern raised regarding a tunnel effect being created along the canal given the presence of the new hedgerow, and associated fencing. Whilst there would be a natural change here, the applicants have sought to address this by having a 6 metre buffer from the canal, and it is not considered this effect will occur, and nevertheless it is not unusual for planting to be located either side of a canal. It is therefore considered that through appropriate mitigation in terms of landscaping along the western boundary that the development complies with Policy DM32 of the DM DPD.

7.4.4 The County Council's archaeologist whilst not objecting, has requested a condition requiring archaeological investigations, this is considered reasonable as the development does have the potential to impact directly on buried archaeological remains. It is therefore concluded from a cultural heritage perspective there would be the impacts on heritage assets but these would amount to less than substantial harm, albeit acknowledging that the setting of some listed buildings would be altered by the development.

### 7.5 Landscape Character Impact

7.5.1 A detailed Landscape and Visual Assessment (LVA) has been submitted with the application, which includes photography from selected viewpoints and also two photomontages (one within the AONB and secondly on the canal towpath adjacent to the site). The application site is located within National Character Area 20 'Morecambe Bay Limestones'. The characteristics of the landscape is one of a flat lowland landscape, dominated by steep-sided hills of lower carboniferous limestone including areas of drumlin fields (of which is especially relevant for this application), with the landscape supporting a mixed pastoral farming and woodland landscape bounded by limestone drystone walls, whereby extensive areas of native broadleaved woodland dominate the landscape.

7.5.2 The lowest part of the site (closest to the Lancaster Canal) is at an elevation of circa 46 metres AOD and this rises to circa 56 metres on the eastern ridge of the site. The application essentially contains two fields, with one being used for the growing of crops and the southern-most one grazed with livestock. There is an existing mature hedgerow along the northern and eastern section of the site together with a further hedgerow crossing the site.

7.5.3 The County Council's Landscape Architect has raised a number of concerns regarding the applicants LVA in particular the photomontages that have been submitted in support of the application. Photomontages are inevitably only illustrations of the proposal and need to be carefully assessed. The montages provided help to inform the decision maker but the assessment has involved the case officer visiting the site and views made from other viewpoints locally such both locally and within the AONB.

7.5.4 The AONB Partnership have raised significant concerns with the proposed development namely regarding the impact that the development would have on the AONB and questions the judgement made that the overall impact is minor or negligible. Additionally they express concerns regarding the number of applications for energy generating development along the M6 corridor. The concerns are noted, and there is no dispute that from selected viewpoints within the AONB that the array of panels will be seen, albeit as a relatively low, grey-coloured mass.

7.5.5 It should be noted that the site is not within any nationally designated area of landscape importance, albeit within the setting of the AONB (the AONB boundary is circa 800 metres away). Furthermore, this is a landscape that has been interrupted by man-made inventions and features such as power lines, the M6, the canal and telecommunication masts. In the case officers view the solar farm would not therefore be out of keeping with the existing character of the locality, although it is accepted that within the AONB the site that the proposed landscaping would not provide screening to the site by virtue of the sites topography.

- 7.5.6 It should be noted that the development is for a temporary time period and therefore would not cause a permanent change to the character or appearance of the landscape. It is therefore considered that there would be no significant harm to the character or appearance of the landscape with the harm being assessed as being moderate adverse or less and therefore on balance the scheme would accord to the policies contained within the DM DPD.
- 7.6 Visual Impact
- 7.6.1 It is considered that for the most part the visual impact of the development would be relatively limited in extent with the majority of receptors receiving minor/negligible adverse effects. It is not considered that any residential property would be adversely affected by the proposal to warrant a refusal of planning permission, with those in closest proximity relatively well screened.
- 7.6.1 Notwithstanding the above it considered that there would be moderate/major adverse effects for users of the Lancaster Canal Trail as it passes past the site on the basis that the open views into the site would be lost, however with the proposed mitigation this would reduce to a moderate adverse impact. This is heightened by the fact that the panels will be seen from the rears and sides to users walking down the canal and this is considered a weakness of the current application given it is for such a significant length (500 metres), this is due to need to minimise glint and glare on the M6. The proposed mitigation is in the form of a double hedgerow and will be set back 6 metres from the canal and to assist with immediate screening it will be planted with 80-100cm plants ensuring the scheme provides mitigation as soon as possible. The intention is that the proposed screening would reach 3 metres and maintained at such height for the lifetime of the development and this would be reached within 10 years.
- 7.6.2 The views from the towpath are important, (albeit the presence of the M6 is very apparent through noise and movement) and there is a bench located near to the locks which overlooks the proposed development site. There would be a significant magnitude of change associated with the introduction of panels and associated infrastructure and it is considered that there would be a major adverse impact. It is important to note that at this location the canal is not navigable and no objection has been raised by the Canal and River Trust. The applicant has submitted a photomontage from the canal towpath which illustrates how the proposed landscaping on the western boundary of the site would screen the development over a course of 1, 3 and 10 years. As noted above photomontages are illustrative tools however they seek to demonstrate how the hedgerow would mature. Given the wet climate experienced in North Lancashire (a possible reason as to why the land is not Grade 3a agricultural land), it would be essential to ensure planting here consists of species-rich hedgerow together with varying the depth of planting so it does not appear too uniform and that a long term maintenance programme is conditioned.
- 7.6.3 Inevitably there will be some localised visual impact associated with the scheme, notably for users of the canal towpath adjacent to the site and on some of the local public rights of ways and to a lesser extent within the AONB (given the distance from the site). Given the sloping nature of the site, this heightens the visual impact however it is accepted that the proposed development would have a visual impact however it is not considered to be so harmful to warrant the refusal of the scheme, especially combined with the benefits of the scheme.
- 7.6.4 A cumulative assessment was submitted during the application process which has assessed potential cumulative sites within a 35km radius of the site (albeit this has concentrated on wind energy schemes and not consented solar farms in the district and beyond). Notwithstanding this given the distance of the nearest consented solar schemes it is not considered that the omission would have changed the findings of the report. It is considered that overall the cumulative impact of the development is likely to be negligible however at selected viewpoints there would be a moderate/major impact when the development could be seen against consented and operational wind energy schemes. However this is likely to be the case in the event the development proposed was not approved and therefore overall it is considered that the applicant has addressed the need for a cumulative impact assessment and it is concluded that whilst there would be some impacts. Overall from a cumulative perspective the scheme is acceptable.



7.7 Ecological Issues

7.7.1 The application site is not within any environmentally protected designation albeit the Lancaster Canal Biological Heritage site is located on the western edge of the site. The site is mainly arable farmland delineated by hedgerows, with arable/pastoral farm land having a low conservation value. There are trees which have the potential to offer bat roosts, having given these are not to be lost to facilitate that development this is considered acceptable. Greater Manchester Ecology Unit have provided a detailed response in relation to the application and whilst not objecting have suggested conditions/informative notes in connection with nesting birds, protected species and impact on the canal.

7.7.2 Natural England initially objected to the scheme on the basis that the application contained insufficient information to determine whether the likelihood of significant effects could be ruled out. There was a concern that birds that use Morecambe Bay SPA, RAMSAR and SSSI (4.1 km to the west) may utilise the site for foraging, and therefore functionally linked to the designated habitats. Following the receipt of additional information it was concluded that pink footed geese and golden plover are unlikely to make use of the site. This is due to the sub-optimal habitats within the site and it has been concluded that neither species makes use of the site. Therefore there will be no likely significant effects occurring on the Morecambe Bay SPA and RAMSAR due to the development of the site, alone or in combination. With this, Natural England now raise no objection to the scheme.

7.7.3 It is therefore considered with appropriate planning conditions there could be a net gain in biodiversity terms and therefore the scheme is compliant with Policy DM27 of the DM DPD.

7.8 Trees

7.8.1 As noted within the report there are hedgerows bounding the site, together with 2 oak trees, all of which are deemed to be category B. An arboricultural report has been submitted during the application process. The Tree Protection Officer has raised some concerns regarding the contents of the report, which at the time of writing the report has yet to be resolved by the applicant. It is considered that the issues raised can be addressed. A condition is proposed which requires the submission and implementation of a landscaping scheme, which provides for tree and hedgerow planting. Whilst there will be loss associated with the provision of a safe access, this will be more than compensated by the indicative planting arrangements submitted in support of the scheme and therefore it is considered that the scheme is in accordance with Policy DM29 of the DM DPD.

7.9 Drainage Matters

7.9.1 The site falls within Flood Zone 1, and the application is accompanied by a Flood Risk Assessment given the development is over 1 hectare. The overall conclusions of the Flood Risk Assessment is that the development is at low risk of flooding from all the sources considered and that the nature of the development is such that surface water runoff from the site will not result in increased flood risk elsewhere. Notwithstanding this, there is a need to protect the Lancaster Canal and therefore it is considered necessary and reasonable to impose a condition detailing appropriate measures to ensure no sediments, particularly during construction and decommissioning migrate into the watercourse. The Lead Local Flood Authority raise no objections to the development with the Environment Agency having no comment to make on the application. It is therefore considered that the development (subject to conditions) is acceptable in regard to Policies DM39 and DM40 of the Development Management DPD.

7.10 Highways

7.10.1 The construction activity will be relatively short at 10 weeks and would generate in the region of 182 deliveries (equating to 360 movements along Cinderbarrow Lane). During the operational stage of the development, this is likely to be in the region of no more than 20 visits in a single year. In order to facilitate the access it is proposed that a significant stretch of hedgerow would need to be removed to ensure the required visibility splays can be achieved (in the region of 140 metres). The case officer had concerns regarding the loss of such a substantial stretch of hedgerow and County Highways have requested a condition ensuring the hedgerows are no greater than 1 metre above the crown of the carriageway of Cinderbarrow Lane. The applicant is now proposing to retain and manage the existing hedgerow at 1 metre for the lifetime of the development and to ensure effective screening, a second native species rich hedgerow will be planted behind the existing and allowed

to grow to 3 metres without impinging on visibility splays. This is considered acceptable and would result in further ecological gain but also ensuring the required visibility splays can be achieved.

7.10.2 Highways England had raised concerns regarding glint and glare on M6 users from the proposed development, the initial configuration of panels provided for them to be facing the M6 and the associated Glint and Glare report suggested that at certain times of the year users would experience some element of glint and glare. For this reason, the orientation of the panels was amended. It is not considered that there would be any detriment to highway users with the amended layout of the panels as it is considered that there would be no glint and glare for highway users, and whilst there may be some glint and glare associated with the development to the east of the site, this will be mostly mitigated due to the nature of the topography in the area and no objections have been received from Environmental Health in this regard. At the time of writing the report the observations of Highways England to the amended layout have still to be received and therefore will be reported verbally.

### 7.11 Mineral Safeguarding

7.11.1 The whole of the site falls within a mineral safeguarding zone. The County Council as Minerals and Waste Authority have been consulted however they have provided no response to the application. Given the temporary nature of the development, and given the site is not in close proximity to a working quarry or permitted reserves of mineral it is considered that the scheme complies with Policy M2 of the Lancashire Minerals and Waste Local Plan

### 7.12. Contribution to Renewable Energy

7.12.1 The scheme with an estimated capacity of 4.99 MW, could power circa 1,500 homes, and therefore would make a small but significant contribution to helping the UK meet its binding renewable energy targets. To give Members an idea of the generation capacity, the Lancaster University Wind turbine approved in April 2011 has a 2.35 MW generation capacity and stands at 100 metres to the blade tip. The proposal would optimise utilisation of the available grid connection which is located circa 1km away. The wider environmental and energy security benefits of the proposal weigh heavily in support of this application.

### 7.13 Other Material Considerations

7.13.1 The applicants are proposing a financial contribution of £9000 per annum to be provided in the form of either a university bursary or apprentice with it being managed locally. However having regard to the terms of the Community Infrastructure Levy Regulations, the case officer is of the view that no weight could be attached to this in the decision making process. The same is also true regarding the potential for an adverse effect on property values in the locale. Local concern had been raised, despite the time limited nature of the proposal, that it would become in effect a 'brownfield' site after any permission expired. No weight can be given to such concerns because the proposed conditions would require the removal of the panels and related equipment at the end of the 25 year period, and restoration of the site to a solely agricultural use. Any other development would be the matter for consideration by the Council in the form of a planning application.

7.13.2 There was engagement with the local community in advance of the scheme being submitted however there was concern from Yealand Redmayne Parish Council in that the residents of the Parish were not given the opportunity to visit the exhibition, however there was a press advertisement in the Lancaster Guardian and it is considered that there has been sufficient consultation undertaken in respect of the application. It should be stressed that a solar farm is not subject to the national requirement expressed by the Secretary of State's Written Statement of 18<sup>th</sup> June 2015 (i.e. that the planning issues identified by local communities have been identified and thus the proposal has their backing).

## **8.0 Planning Obligations**

8.1 None applicable.

**9.0 Conclusions**

9.1 The approval of the scheme is finely balanced but the development will provide a small but valuable towards renewable energy with National Policies establishing the weight to be accorded to the need to provide for renewable energy development. It is considered that the benefits of the proposal outweigh the potential landscape and visual impacts and cultural heritage concerns and the proposal is therefore considered to comply with both Local and National Policy.

**Recommendation**

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

1. Development within three years
2. Development in accordance with the approved plans
3. Time limited to 25 years following commercial generation
4. Notification of date of commencement
5. Decommissioning plan
6. 6 month period if the scheme fails to generate to be removed.
7. Construction Traffic Management Plan
8. Construction Environmental Management Plan
9. Ecological Management Plan submission
10. Geophysical Survey, WSI and implementation of archaeological work.
11. Scheme for access point construction
12. Protection of visibility splays
13. Building Materials/Finishes (Substation, CCTV Columns, Fencing)
14. Cabling to be underground and inverters to be string inverters
15. Drainage Scheme
16. Surface water/pollution prevention
17. AMS/AIA submission

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

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

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

**Human Rights Act**

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

**Background Papers**

None.

<p align="center"><b>Agenda Item</b></p> <p align="center">A7</p>	<p align="center"><b>Committee Date</b></p> <p align="center">11 January 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">15/01368/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">5 and 6 Cable Street Lancaster Lancashire LA1 1HD</p>	<p align="center"><b>Proposal</b></p> <p align="center">Demolition of the rear extension to no. 5 Cable Street, change of use of no. 5 Cable Street from a social club to student accommodation comprising 4 studios, 2 bed cluster flat and common rooms and erection of a part 2, 4 and 5 storey student accommodation building comprising 83 studios with a single storey link building and Relevant Demolition of an unlisted building (6 Cable Street) in Lancaster Conservation Area</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Lancaster SPV Limited</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Miss Emma-Lisa Shiells</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">11 Feb 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">N/A</p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Drummond</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval (subject to amended plans being received and no objection being raised by the Local Lead Flood Authority)</p>	

## **1.0 The Site and its Surroundings**

- 1.1 5 Cable Street is a 3 storey Georgian property facing onto Cable Street with traditional features, such as an ashlar stone façade, slate roof, 4-pane timber sash windows and gabled chimneys. The central doorway is accessed up 4 stone steps off Cable Street and has a pediment with a frieze, carried on engaged Tuscan columns. 6 Cable Street is physically attached to no.5, but different in style and height.
- 1.2 Number 5 is a Grade II Listed building, and the site as a whole falls within Lancaster Conservation Area and within the setting of other Grade II Listed buildings, most notably those also fronting Cable Street (nos. 1-3, 9, 11 Cable Street, 1 Water Street and the YMCA building on Damside Street) and the Grade I Lancaster Castle and The Priory. The whole site falls within Flood Zone 2 and the southern part of the site is within Lancaster's Air Quality Management Area.

## **2.0 The Proposal**

- 2.1 The application seeks consent for 'Relevant Demolition' for the removal of 2 garage blocks and no.6 Cable Street (the single storey attached restaurant). It also seeks planning permission for the erection of a 5 storey building comprising student accommodation and the change of use of no.5 Cable Street to further student accommodation and ancillary facilities along with a single storey link connecting the 2 elements. In addition a single storey structure is proposed to store the bins, bicycles and plant.
- 2.2 There are 3 key elements proposed for demolition – the single storey restaurant at no.6 Cable Street, the single storey rear extension at no.5 and the 2 terraces of garages to the rear of the site.

Where these structures adjoin the boundary wall, the wall will be retained at its existing height subject to a structural assessment.

The Listed building would be converted to create a common room over 2 floors with 4 studios on the second floor and a 2 bedroom cluster flat within the roofspace. The new build would incorporate 84 studios, a laundrette and a staff office and kitchenette. It is proposed to use a mixed palette of materials for the elevations and roof, including rendered walls, glazing, stone cladding, standing seam metal cladding, dark grey window and door frames and slate. The link building would be constructed of a glazed frontage and predominantly a rendered rear wall though a narrow glazed section would be introduced against the Listed building. It would comprise the reception area for the converted Listed building and the new build element. The external space created by the demolition of no.6 Cable Street and also in part to the loss of the garage buildings would be utilised for bin and cycle storage, a plant room, circulation space for refuse and emergency vehicles, 1 disabled parking space and small pockets of soft landscaping.

**3.0 Site History**

3.1 With the exception of recent pre-application enquiries relating to the proposal, the most relevant and recent application was an outline application in 2000 for a residential development to the rear of the site in place of the garage blocks. It was refused on poor access (a long single track drive) and its poor relationship (back land development) with the retained buildings at 5 and 6 Cable Street:

Application Number	Proposal	Decision
00/00618/OUT	Outline application for demolition of garages and erection of block of four town houses	Refused

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>No objection</b> subject to conditions
Environment Agency	<b>Standing Advice</b> for Flood Zone 2 “more vulnerable” development is relevant, which relates to surface water management, access/evacuation, and floor levels.
United Utilities	<b>No objection</b> subject to conditions relating to surface water and foul drainage details
Local Lead Flood Authority	No comments received at the time of writing, although they have indicated verbally that there will be no objection – written confirmation to follow prior to Committee.
Historic England	No comments received at the time of writing.
Conservation	<b>No objection</b> subject to conditions relating to details and materials.
Greater Manchester Ecological Unit	<b>No objection</b> subject to conditions and an advice note relating to bats, drainage inceptors, lighting and landscaping
Environmental Health	<b>No objection</b> – no air quality mitigation measures required.
Police	<b>Advice</b> – recommend a series of security measures, including intercom system, locks on windows and doors, lighting, boundary treatment and gates
City Contract Services	<b>Advice</b> – the refuse capacity for the new flats is inadequate there needs to be space for 5 x 1100 litre Eurobins and 8 x 360 litre recycling bins as collection is fortnightly.
Property Services	<b>Advice</b> – the applicant should be advised that the occupiers of the property will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme – Central Zone A.
Civic Society	<b>No objection.</b> Welcome plans to return the Grade II listed building back into use and the lack of alteration to its historic frontage. The design of the new build to the rear is pleasing in that that there will be a variation in roof heights, though 84 studios is felt to be too many, compromising the rooms’ standards.

**5.0 Neighbour Representations**

5.1 No comments have been received during the statutory consultation period.

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

### **6.1 National Planning Policy Framework**

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

Paragraph **17** – 12 core land-use planning principles  
Paragraph **49** and **50** – housing  
Paragraphs **56, 58** and **60** – good design  
Paragraphs **131, 132** and **134** – heritage

### **6.2 Lancaster District Core Strategy**

**SC1** Sustainable development  
**SC2** Urban Concentration  
**SC4** Meeting housing requirements  
**SC5** Quality in design

### **6.3 Lancaster District Development Management DPD**

**DM30** Development affecting Listed buildings  
**DM31** Development affecting Conservation Areas  
**DM32** The Setting of designated heritage assets  
**DM35** Key design principles  
**DM37** Air quality management  
**DM38** Development and flood risk  
**DM39** Surface Water run-off  
**DM46** Student accommodation (including relevant appendices)

## **7.0 Comment and Analysis**

7.1 The main planning considerations arising from this proposal are:

- The principle of student accommodation in the city centre
- The impact on heritage assets
- The impact on residential amenity to existing and prospective residents
- The design of the proposal
- The risk of flooding

### **7.2 The principle of student accommodation in the city centre**

The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location, close to local services and facilities. It is very close to good bus routes to both the Bowerham Campus of the University of Cumbria and to Lancaster University. The need for student accommodation in the city centre is identified within the DM DPD and Policy DM46 sets out criteria by which proposals will be assessed.

### **7.3 The impact on heritage assets**

#### **7.3.1 The impact of converting 5 Cable Street**

Conservation and Planning Officers are supportive of the scheme which will bring a significant Listed building back into use, and will restore and conserve much of its historic fabric. The most significant intervention will be at first floor where part of the rear floor area will be removed to allow for a glazed mezzanine and lightweight stair to be introduced into the communal areas. However, the chimney piece at first floor will remain so that the previous room can still be read. The ground floor has already been opened up through earlier interventions whilst the second floor is more intact. Overall, the proposal seeks to preserve the significance of the Listed building, so the minor harm that is proposed to the first floor is more than compensated for by the opening up of existing windows and

the benefit of bringing the Listed building back into use. A fuller assessment of the proposed conversion works are set out in the Committee report for the associated Listed Building Consent (15/01369/LB).

### 7.3.2 The impact on the demolition of no.6, the rear extension of no.5, and 2 terraces of garages, and the development at 5 Cable Street

The removal of the large flat roofed 1970s rear extension will enable more of the rear elevation to be revealed and restored, and can only be a positive step. The demolition of no.6 Cable Street, which is an early twentieth century garage with some nice detailing, would be regrettable. However, the scale of Number 6 is currently at odds with the remainder of the Cable Street frontage. On balance, demolition would enable the rest of the site to be used and consequently allow for the Listed building to be brought back into use and conserved. The light-touch single storey glazed link at ground floor level will connect the Listed building to a single storey reception/entrance. The glazing will allow the connection to be made whilst reducing the impact on the fabric of the Listed building, making the works reversible should the link be removed from the heritage asset in the future. Whilst the new student accommodation block will be a large structure, its massing and position have been carefully considered to minimise impact on the Listed building.

### 7.3.3 The setting of Lancaster Conservation Area, Grade I and Grade II Listed buildings

The massing of the new student accommodation block has also been carefully considered to minimise impact on other Listed buildings in the vicinity, including the Grade I Castle and Priory, as well as the impact on the wider Conservation Area. The site falls within a character area of Lancaster Conservation Area that contains warehouses, so the style of the building is considered appropriate to its setting. The roof has purposely been broken up to reflect the surrounding buildings with the heights being commensurate with the other warehouse style accommodation on the land between Cable Street and Damside Street. Conservation and Planning Officers are supportive of the proposed use of materials, though much of the detail will need to be conditioned to ensure that the finishes reflect the quality of the site's setting.

7.3.4 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area or the setting of a Listed building, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area or the setting of the building. This is reiterated in policies DM30, DM31 and DM32, with the former setting out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

The application is supported by photomontages from key viewpoints. The proposal would be seen from Greyhound Bridge with the Castle and Priory forming an impressive backdrop. However, only the roof and a gable (north) end would be visible, viewed in the context of other warehouse styled buildings of a similar height, and therefore it is considered that the proposal would preserve the setting of these Grade I Listed buildings and the wider Conservation Area from this viewpoint. The other viewpoint where the proposal would clearly be visible is from the frontage of the bus station building. This close-up view of the proposal would be made more evident by demolition of no.6, but the new build element has been suitably designed and the palette of materials carefully considered to reduce the impact on no.5 (a Listed building) and views across the Conservation Area, so again in both contexts the settings are preserved. A viewpoint from New Road to the south west was also chosen due to its raised position. The proposal would not be visible from here due to the height of the properties facing onto Cable Street (a similar situation to other views from the south of the site other than the bus station building), so again the settings of the Conservation Area and the Listed buildings along Cable Street are preserved.

## 7.4 Residential Amenity

### 7.4.1 Separation distances

The site is constricted in nature due to the Listed building to its frontage, the curtilage Listed walls to the boundaries, its dimensions (long and narrow) and proximity of other properties. A number of the St John's Mews properties (nos.4 to 7) face the application site but some are set back at least 21.5m from the proposal, so exceed the Council's adopted separation distance of 21m (distance from facing windows both serving habitable rooms). Some of the other properties (nos. 1, 2, 3, 8 and part of 9) within the mews face onto each other, not towards the application site. However, the gable end of no.9 and nos.10 and 11 set 13.5m away from the proposal (in excess of the 12m adopted standard for a window serving a habitable room facing onto a blank wall). As such the windows have been angled to the studios facing these properties to preserve the amenity of both sets of residential units. A similar approach has been taken to the west facing windows of the proposal to preserve the amenity of the units behind nos. 1-3 Cable Street. The tall gable end of nos.26-32 The Millrace has no windows facing onto the application site so there are no implications on these properties. Linked to the issue of separation distances, the application has been submitted with information relating to overshadowing. The building height has been carefully considered to protect the amenity of neighbouring residents and the sunlight assessment concludes that it achieves this.

### 7.4.2 Space standards and outlook

The proposed studios vary in size across the development. The 4 proposed studios in the Listed building would be 16, 18, 19 and 23.5 sq.m in area, so 2 of these fail to meet the 19sq.m adopted standard for rooms of this type. The 2 bedrooms in the cluster flat are both 8.75sq.m, which is just below the 9sq.m adopted standard. However, all 6 units are within a Listed building and the level of intervention required for the units to meet the required standards would be unacceptable in heritage terms. Furthermore, the cluster flat provides a generous shared living room/kitchen and a good sized shared bathroom, so this compensates in part for the minor under-sizing of the bedrooms. The head height in these rooms within the roofspace are sufficient though the level of the proposed rooflights is deemed too high to allow for a sufficient outlook. Amended plans are awaited in this regard. The studios are even more constrained by the Listed building given the presence of existing staircases and window openings. They also require lobbies for fire safety purposes. Only one is significantly under the required standard and given that the conversion is seeking an alternative and viable use for the Listed building this is considered to outweigh the non-compliance of the space standards for these 2 units in this instance.

7.4.3 The new build proposes studios range from 19 sq.m to 25 sq.m, so they all meet the adopted space requirements. However, the outlook from the ground floor units is constrained by the Listed boundary wall and therefore 18 ground floor studios have an outlook of between 2m and 8m. This equates to 20% of the rooms falling below the adopted standard for outlook, and this therefore needs careful consideration. During the determination period it has been negotiated to move the plant room into one of the studios resulting in the loss of one unit. The bin store has also been relocated and reconfigured. This has increased the outlook, so now no unit has an outlook of less than 4m. Furthermore, with the exception of 5 studios, there is an open view beyond the boundary wall for a distance of at least 12m. Therefore it is considered that subject to receiving amended plans to relocate the cycle storage, the outlook is severely compromised on 5.5% of the studios, which on balance is considered acceptable given that the development as a whole seeks to bring No.5 back into use, after being left empty for about 20 years, in a manner that is sensitive to its significance.

### 7.4.4 Air quality

An air quality assessment has been submitted with the application, which has been reviewed by Environmental Health. They have concluded that no mitigation measures are required. However, due to the level of demolition and ground works required to facilitate the proposal, it is appropriate to protect local residents from the dust that is likely to be generated during these processes. Dust control measures should be incorporated into the Construction Management Scheme. It is also important that the asbestos sheets that form the roofs of the 2 terraces of garages are removed in an appropriate manner. Such details should be conditioned along with contaminated land matters, given the site has been used for the storage of vehicles (the 2 terraces of garages and the historic use of no.6 as a garage).

### 7.4.5 Noise

The application site is tightly surrounded by existing residential uses. Therefore it is essential that their amenity is protected during the demolition and construction phases of development. A



condition relating to the hours of work is deemed appropriate. There is also the issue of the amenity of future occupiers of the studios, especially given the Listed building fronts the city's gyratory and the bus station opposite. In particular, the living environment of the 2 proposed second floor studios that are to the front of no.5 need to be protected to ensure that they are not adversely impacted by its environment. Any verbal update from Environmental Health will be provided at Committee, but it is not envisaged that this would result in a significant change to the proposal as suitable mitigation measures, if required, could be conditioned.

### 7.5 Design and scale of the proposal

7.5.1 The design of the building has evolved during the pre-application discussions, especially in terms of the height, ridge line and use of materials on the new built element, and its siting in relation to the Listed building. The area is characterised by buildings with broken ridges, reflecting the area's history as set out in the Lancaster Conservation Area Appraisal. The proposal also reflects the palette of materials that are clearly on view on neighbouring properties – stone, render and slate – with elements of cladding and glazing that are evident on other buildings in the local area. The main section of the new build is set back by 12m from the Listed building, to give breathing space around the heritage asset, but also to allow sufficient outlook from the studios on the second floor of no.5. The only element that is attached to the Listed building is a lightweight, predominantly glazed link that would accommodate the lobby and reception area for the complex as a whole. Internal access from this space can be gained to both the Listed building and new build. The adjacent new 2 storey element would also have a flat roof but be more solid in appearance with an emphasis on its stone construction. This would house the plant room and the staff office and kitchenette at ground floor, and 2 studios at first floor.

7.5.2 The main section of the new build is 4 and 5 storeys in height, with the roofspace utilised for additional residential accommodation. The elevations have a solid appearance with the use of stone framing the more visible elevations. Small projections have been introduced to provide shadow lines which will animate the long east and west elevations. Likewise the expanse of the slate roof is broken with occasional inset dormer windows. These window frames and the walls of the insets must have grey frames to match the slate so they animate the roof but do not stand out in a detrimental way. The new build also has 2 other forms of fenestration –standard windows that are flush with the elevation and angled windows to improve outlook and prevent overlooking. The latter is not a feature that is found on the surrounding buildings but is a solution that has been used on other important city centre sites, such as Squires Snooker Hall. It is an acceptable approach, maintaining an appropriate solid to void ratio along the key elevations. Overall the building has been well designed, reacting appropriately to its surroundings by protecting amenity and preserving the setting of the numerous heritage assets.

### 7.6 The risk of flooding

7.6.1 The site falls within Flood Zone 2 and as such the application was submitted with a Flood Risk Assessment. The Environment Agency has confirmed that they do not wish to comment on this application specifically, but refers the Local Planning Authority to their Standing Advice for “more vulnerable” development in Flood Zones 2, which relates to surface water management, access/evacuation, and floor levels. The Local Lead Flood Authority were also consulted and they have advised that they are currently reviewing the submission and are very unlikely to object, subject to conditions relating to finished floor level as shown on the plans and stated in the submitted Flood Risk Assessment and the provision of a sustainable surface water drainage scheme. A verbal update will be provided at the meeting.

### 7.7 Other Matters

7.7.1 The Highway Authority confirmed that the number of cycle spaces proposed meets with their requirements, though City Contract Services has advised that more space is required for refuse. The provision of these stores can be conditioned. Due to the closing up of one access and the creation of another, demolition of a property that fronts the public highway and the infilling of the existing barrel drop, there are a number of small scale, off site highway works required to ensure that the highway safety is not jeopardised. These works can be conditioned.

7.7.2 All 5 buildings were inspected. No bats or signs of bats were found in any of the buildings during the survey. A dusk emergence survey was carried out on nos. 5 and 6 Cable Street followed by a dawn re-entry survey. No bats were seen to emerge from the buildings during the dusk survey and no bats were seen to re-enter the buildings during the dawn re-entry survey. Only a low number of

Common Pipistrelle bats were recorded foraging and commuting around adjacent buildings during the surveys. In conclusion the site is considered unlikely to support roosting bats and no further bat surveys are therefore considered necessary. An informative is recommended to advise on what to do if bats were to be found during works, and a condition required regarding biodiversity enhancements (lighting, planting and bird/bat boxes). A further condition is suggested relating to drainage interceptor to prevent contaminants from the site entering the surface drainage system, and finding their way into the River Lune Biological Heritage Site (and Site of Special Scientific Interest, Special Protection Area, Special Area of Conservation and Ramsar Site downstream).

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 The scheme has been subject to detailed (level 2) pre-application advice and 2 follow up meetings, the second of which was a site meeting in order to inspect the interior of no.5. The result of this background work is that the application has predominantly been submitted in a form that is deemed acceptable from planning and heritage perspectives. The recommendation is therefore a positive one, subject to no objections being raised by the Local Lead Flood Authority, and amended plans being received in relation to cycle storage and rooflights.

### **Recommendation**

Subject to no objections being raised by the Local Lead Flood Authority, and amended plans being received in relation to cycle storage and rooflights, that Planning Permission and consent for Relevant Demolition **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans
3. Construction Management Scheme – including wheel cleaning, dust control, parking, storage of equipment/materials/waste (pre-demolition)
4. Contamination, including asbestos (pre-demolition)
5. Building recording of nos. 5 and 6 (pre-demolition)
6. Surface water drainage scheme, including interceptors (pre-construction)
7. Foul drainage scheme (pre-construction)
8. Flood evacuation procedure (pre-construction above ground level)
9. Materials – details of all elevational, rainwater goods, roof and surface materials required (pre-construction above ground level)
10. Security measures, including lighting (pre-construction above ground level)
11. Landscaping, including bird/bat boxes (pre-occupation)
12. Making good the highway to adoptable standards post demolition of no.6, closure of the existing access and the infilling of the barrel drop (pre-occupation)
13. Refuse and cycle storage facilities (pre-occupation)
14. Finish floor level as set out on the plans and in the FRA
15. Noise mitigation measures (subject to confirmation from Environmental Health)
16. Hours of demolition/construction/fit-out, including deliveries – 0800-1800 Monday to Friday, and 0800-1400 Saturday only  
Advice note – parking Zone A

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

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

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

**Human Rights Act**

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

**Background Papers**

None

<p align="center"><b>Agenda Item</b></p> <p align="center">A8</p>	<p align="center"><b>Committee Date</b></p> <p align="center">11 January 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">15/01369/LB</p>
<p align="center"><b>Application Site</b></p> <p align="center">5 And 6 Cable Street Lancaster Lancashire LA1 1HD</p>		<p align="center"><b>Proposal</b></p> <p>Listed Building application for the demolition of no. 6 Cable Street, the rear extension to no. 5 Cable Street and the 2 terraces of garages, works to facilitate the change of use of no. 5 Cable Street from a social club to student accommodation comprising 4 studios, a 2 bed cluster flat and common rooms, erection of a single storey link building to the rear and alterations to the boundary wall</p>
<p align="center"><b>Name of Applicant</b></p> <p align="center">Lancaster SPV Limited</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Miss Emma-Lisa Shiells</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">12 January 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">N/A</p>	
<p><b>Case Officer</b></p>	<p>Mr Andrew Drummond</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval</p>	

## **1.0 The Site and its Surroundings**

- 1.1 No. 5 is a 3 storey Georgian property facing onto Cable Street with traditional features, such as an ashlar stone façade, slate roof, 4-pane timber sash windows and gabled chimneys. The central doorway is accessed up 4 stone steps off Cable Street and has a pediment with a frieze, carried on engaged Tuscan columns. The rear and side elevations comprise random rubble stone. It currently has a large single storey rear extension constructed of brick and a flat roof, whose eaves marry with the mid-point of the first floor windows of no.5. The brick elevations are mainly blank, with a few random openings to accommodate doors and vents. No.6 is attached to no.5's eastern (side) elevation, comprising a single storey stone building with a pitched slate roof, whose eastern elevation comprises the boundary wall of no.5. The west and north site boundaries to no.5 are also defined by a random rubble stone wall, which also form part of the elevations of the 2 terraces of garages.
- 1.2 5 Cable Street is a Grade II Listed building, and the site as a whole falls within Lancaster Conservation Area.

## **2.0 The Proposal**

- 2.1 It is proposed to demolish no. 6, the rear extension to no. 5, and 2 terraces of garages to the rear of the application site. The first two elements are attached to the Listed building, whilst the garages and no.6 are attached to the curtilage Listed boundary wall. In each case, remediation works will be required to the exposed Listed walls, though depending on the stability of the boundary wall post demolition, its height may need to be reduced along identified sections. In partial place of the existing rear extension it is proposed to construct a "true" single storey link building which would connect the Listed building to the proposed new build element (being considered separately under 15/01368/FUL).

2.2 Internally there are a series of works required to facilitate the change of use of no. 5 Cable Street to student accommodation comprising 4 studios, a 2 bed cluster flat and common rooms. Access to the basement would be retained internally, though the basement will not be brought into any particular use and the barrel drop on the façade would be removed. Secondary internal (lobby) doors to the main front door would be removed and existing openings in the rear wall would be widened at ground floor to facilitate access and egress, including in emergencies. Sections of the ground and first floors would be removed, again to aid access, including the provision of a platform lift and new staircases, though existing staircases from the first to second floor, and second to the roofspace would be retained. Some internal walls would be opened up and new partition walls erected, with stairwell doors upgrading to meet the required fire regulations. Where existing window openings have been blocked up they will be reused and new windows installed. 4 new rooflights are proposed to the rear roofslope. Other works would include the removal of the ground floor bar, removal and installation of WCs/bathrooms with their associated ventilation and plumbing requirements, and installation of a dry riser through all floors.

**3.0 Site History**

3.1 With the exception of recent pre-application enquiries relating to the proposal, there have been no applications submitted that are relevant to the proposed scheme.

**4.0 Consultation Responses**

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

Consultee	Response
Conservation Officer	No objection subject to conditions.
Civic Society	No objection. With regard to specific heritage asset comments – they welcome plans to bring the Grade II listed building back into use and the lack of alteration to its historic frontage.
Ancient Monuments Society	Comments – Queries regarding the age and significance fo Number 6 and its’ relationship with Number 5. As Number 6 is attached to Number 5, demolition must be approached with a degree of caution.
Historic England	Do not consider that they need be notified regarding this Listed building application.

**5.0 Neighbour Representations**

5.1 No comments have been received during the statutory consultation period.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework

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

Paragraphs **131**, **132** and **134** – heritage

6.2 Lancaster District Core Strategy

**SC1** Sustainable development

6.3 Lancaster District Development Management DPD

**DM30** Development affecting Listed buildings

## **7.0 Comment and Analysis**

7.1 The main planning consideration arising from this proposal is:

- The impact on the heritage asset

### **7.2.1 Ground Floor**

The ground floor is completely open having previously undergone the most significant alterations and very little historic fabric survives. The chimney breasts are visible, but all fireplaces blocked, and the historic ceiling plasterwork has been lost along with the original staircase from ground to first floors. It is proposed to reinstate a staircase to its original position, the details of which will need to be conditioned. The basement would still be accessed from the ground floor, though the barrel drop on the front elevation would be infilled. The basement must be covered by the building record and details of the infilling is required. Both of these must be covered by conditions.

### **7.2.2 First Floor**

On the first floor, the nineteenth century changes are evident, including the plasterwork and a decorative arch leading to the front of the property which is open plan. The most significant intervention will be at first floor where part of the rear floor area will be removed to allow for a glazed mezzanine and lightweight stair to be introduced into the communal areas. However, the chimney piece at first floor will remain so that the previous room can still be read. Where the floor is to be removed and a mezzanine created, details of the extent of the partition to be removed (in terms of height, so the cornice and picture rail can be retained). An internal elevation to show this should be conditioned, along with details of the glazed balustrade and the new lightweight staircase. The original staircase survives from this level upwards. This has been boxed in at first floor level. Fortunately, within the cupboard that was created as a result, the historic plasterwork on the underside of the stairs leading up to the second floor, and the pendant drop to the newel post above is still in-tact. It is proposed to restore the plasterwork, and the staircase is going to be re-opened allowing it to be experienced as it should have been.

### **7.2.3 Second Floor**

The second floor is the least altered floor, and the eighteenth century floorplan is still pretty much intact. The proposed floor plan seeks to retain its form, albeit the front middle room would be lost and subsumed into the two front rooms, but from the landing, it would still be read as a separate room since the door is to be retained and fixed shut, with a new stud wall placed behind. The other doors leading from the landing would not meet the required current fire ratings. The proposed second floor plan states that the doors are to be upgraded to fire doors. If they are to be upgraded then details are required of how this is to be done. However, the Heritage Impact Assessment and pre-application discussions referred to all the doors being replaced to match but existing one would be re-hung elsewhere within the building for use as non-fire doors to bathrooms or cupboards. The architraves must be retained. A schedule of existing internal doors is required. This must detail their condition, how they will be refurbished (if required), and where they will be utilised.

### **7.2.4 Attic**

The original attic stair is to be retained and used, but requires refurbishing. These details should be conditioned. The attic, which is currently completely open plan, is to be sub-divided to form a 2-bed cluster flat. The rooflights required to serve the living room, 2 bedrooms and landing (all on the rear roofslope) must be the conservation type, as the floor plan specifies and again should be conditioned as such.

### **7.2.5 Rear Elevation**

The original 20-light fixed stair window survives, but has been bricked up on the outside and rendered. This needs to be restored and, where beyond repair, should be replaced on a like-for-like basis. Other windows on the rear elevation, where they remain intact, should also be repaired/refurbished or replaced like-for-like, where beyond repair. It is envisaged (because they are currently blocked up) that the two first floor rear windows would have been 6 panes over 6 panes sash windows, and second floor windows would have been 3 over 6. An existing rear opening,

which serves as an access to the existing extension, is to be blocked up. Details of the stonework to be used will need to be conditioned.

### 7.2.6 Front elevation

The front elevation windows also appear to date from the 1980s, and would remain. The front door case will need repairs carrying out (including where the handrail and light fitting are to be removed), as will the stonework in many places, including where no. 6 is to be removed, the making good at the rear where the 1970s extension is removed, the infilling of the cellar hatch, as well as the blocking of the openings to the rear. This work should be conditioned. The new front doors also need conditioning (though the Heritage Impact Assessment states they are to be retained, so clarification is being sought). A solid timber panelled door should be used here, reflecting either the building's eighteenth century design, or its nineteenth century make-over, as per the front elevation windows. The fanlight above the front door should be repaired if in situ behind the existing hoarding, otherwise reinstated. Again details should be conditioned.

### 7.2.7 West (side gable) Elevation

The two windows in the west elevation at first floor are timber pivot casements, and are not currently blocked. They appear to date from the 1980s. Any new windows here would be subject to condition, but should reflect the Georgian window pattern.

### 7.2.6 Demolition of no.6, the rear extension to no.5 and 2 terraces of garages, and the erection of the glazed link

The removal of the large flat roofed 1970s rear extension will enable more of the rear elevation to be revealed and restored, and can only be a positive step. The 2 terraces of garages add nothing to the building's setting and their loss would therefore lead to an enhancement. The demolition of no.6 Cable Street, which is an early twentieth century garage, with some nice detailing would be regrettable. However, on balance, it would enable the rest of the site to be used and consequently allow for the Listed building to be brought back into use and conserved. The single storey glazed link at ground floor level will connect the Listed building to a single storey reception/entrance. This light-touch to the fabric of the Listed building follows both pre-application advice and good practice.

### 7.2.7 Boundary Walls

The curtilage Listed boundary wall surrounds the site on the west, north and east sides. Much of the wall to the north and east forms part of the elevations to existing buildings; either 2 terrace of garages or no.6 Cable Street. The removal of these structures is acceptable in principle, but could have implications on the stability of the stone boundary wall. Likewise the removal of rainwater goods from within and along the wall will require careful infilling and repairs to the wall. It is essential that the wall is retained and is stable. Repairs must ensure that the wall (other than a small section to the roadside which should be reduced to 1m in height for highway safety purposes in line with the Highway Authority's recommendations) should be maintained at a height of 2m to 2.5m for site security purposes, to preserve the heritage asset and to protect the amenity of existing neighbouring residents as well as future residents of the proposal. Details for how the wall is stabilised (if required post demolition of the aforementioned structures) and repaired must be conditioned.

### 7.2.7 Overall

There are a number of interventions required to bring this Listed building back into use. Whilst it is considered that some limited harm will ensue (such as the removal of part of the first floor), it is far outweighed by the positive measures being proposed. The proposal seeks to reverse works that have reduced the building's significance, which will lead to the enhancement of the Listed property, whilst finding an optimal and sustainable use for it. It therefore, subject to conditions to agree the specific materials and detailing, meets the requirements of local and national planning policy, and the Listed Building and Conservation Areas Act.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

- 9.1 Both Conservation and Planning Officers are supportive of the scheme which will bring a significant Listed building back into use, restoring and conserving much of its historic fabric.

## **Recommendation**

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

1. Standard 2 year timescale for Listed building consent
2. Works in accordance with approved plans
3. Building recording
4. Details of external materials required:
  - New windows
  - Front door and fanlight
  - Rainwater goods
  - Conservation rooflights
  - External vents, extraction and plumping (including location)
5. Details of external works required:
  - Stonework repairs, including sample of mortar/pointing
  - Infilled cellar hatch
6. Details of internal materials required:
  - New internal doors
  - New staircases
  - Internal plaster finishes
7. Details of internal works required:
  - Works to attic staircase
  - Schedule of repairs to decorative plasterwork
  - Internal elevation at first floor where partition to be removed to show extent of plasterwork retention
  - Details of glazed balustrade to mezzanine
  - Details of structural steelwork required to create the mezzanine
  - Details of glazing to first floor arch
  - Details of first floor suspended chimney piece
  - Schedule of decorative joinery retention and repairs (e.g. windows, shutters, panelled reveals, panelling, skirting, staircases, architraves, doors (details of their re-use elsewhere in the building))
8. Boundary walls – methodology of wall repairs and maintenance (including materials) to a height of between 2m and 2.5m (other than the section of wall on the street side of the gatepost serving St John's Mews – to be 1m in height)

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

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

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



**Human Rights Act**

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

**Background Papers**

None.

<p><b>Agenda Item</b></p> <p>A9</p>	<p><b>Committee Date</b></p> <p>11<sup>th</sup> January 2016</p>	<p><b>Application Number</b></p> <p>15/01282/OUT</p>
<p><b>Application Site</b></p> <p>Land North Of New Quay Road Lancaster Lancashire</p>	<p><b>Proposal</b></p> <p>Outline application for the erection of up to 14 dwellings</p>	
<p><b>Name of Applicant</b></p> <p>Lancaster Port Commissioners</p>	<p><b>Name of Agent</b></p> <p>Mr Rob Moore</p>	
<p><b>Decision Target Date</b></p> <p>14<sup>th</sup> January 2016</p>	<p><b>Reason For Delay</b></p> <p>NA</p>	
<p><b>Case Officer</b></p>	<p>Mr Mark Potts</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Refusal</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The site is located 1.5 km to the north west of Lancaster City Centre, with the development site amounting to 0.6 hectares, the site is bound by a flood defence wall to the north, east and west with the site predominately scrub habitat. The site was previously used as a former quay for the then former Lune Mills Linoleum Works (which has been redeveloped for housing). The site is relatively level at 6.7 metres AOD.
- 1.2 To the north of the development is New Quay Road, beyond which are a number of recently constructed properties currently being built out by Barrett and Redrow Homes (Luneside West). The River Lune is immediately to the north of the site. Access to the development would be off New Quay Road.
- 1.3 There is a rising mains sewer that crosses the site together with an 8 metre easement adjacent to the flood defence wall. The entire site lies within Flood Zones 2 and 3, albeit in an area that benefits from flood defences. Public Right of Way Number 27 is located to the west of the proposed development and the River Lune is designated as a Biological Heritage Site (circa 12 metres to the north of the proposal). The site is unallocated in the adopted Local Plan.

## **2.0 The Proposal**

- 2.1 The proposed development consists of the erection of up to 14 units (Use Class C3). The application is in outline, with all matters reserved for future consideration. An illustrative layout has been supplied in support of the application which consist of a mix of detached and terraced housing with all the units being 2.5 storeys high and approximately 13 metres to the ridge height.
- 2.2 This application is only seeking the principle of development and therefore should the scheme be approved by Committee the detail will be considered as part of a reserved matters application.

**3.0 Site History**

3.1 There is no relevant history, however the site was used as a former quay for the former Lune Mills Linoleum Works.

**4.0 Consultation Responses**

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

Consultee	Response
<b>Environment Agency</b>	<b>Objection</b> , on the basis that the development is within 8 metres of a flood defence and that the proposed development would restrict essential maintenance and emergency access to the defences.
<b>County Highways</b>	<b>No objection</b> , recommend conditions associated with bringing the footway along the sites frontage to an adoptable standard.
<b>Dynamo (Lancaster and District Cycle Campaign)</b>	<b>Objection</b> , on the basis that the driveways cross a shared cycleway/pathway and will present a risk to passing cyclists and pedestrians.
<b>Environmental Health</b>	<b>No comments</b> received within the statutory timescales.
<b>Contaminated Land Officer</b>	<b>No objection</b> however recommends further site investigation.
<b>Conservation Officer</b>	<b>No objection</b> , however the site is a non-designated heritage asset.
<b>Lead Local Flood Authority</b>	<b>Objection</b> on the basis that the development proposal does not contain detail about how the surface water and potential flood water will be attenuated on site and lacks detail on how flood flow routes through the site from surface water will be managed.
<b>United Utilities</b>	<b>No objection</b> , however have raised concern regarding a 750mm public combined rising main/pressurized sewer crossing the site, recommended conditions associated with foul and surface water
<b>Public Realm Officer</b>	<b>No objection</b> , requests £27,100 for an off-site contribution and 255m <sup>2</sup> on site open space.
<b>Lancaster Civic Society</b>	<b>Objection</b> , the land is not appropriate for housing.
<b>Planning Policy</b>	In the absence of a sequential test (given the site is within a flood risk area) it is not possible to conclude whether the proposal is acceptable at this moment in time.
<b>Greater Manchester Ecology Unit</b>	<b>No objection</b> , and concurs with the ecological appraisal that there will be no significant ecological constraints associated with the site. Recommends conditions and informative notes.
<b>County Ecologist</b>	<b>No observations</b> received within the timescales.
<b>Strategic Housing Officer</b>	<b>No comments</b> received within the timescales.
<b>Natural England</b>	<b>No comments</b> received within the statutory timescales
<b>Ramblers Association</b>	<b>Objection</b> , the English Coastal trail is likely to pass along the river bank, the exact route will be understood in 2016.
<b>Lancashire Police</b>	<b>No objection</b> , however recommends secured by design standards should be employed at reserved matters stage.
<b>Public Rights of Way Officer</b>	<b>No observations</b> received within the statutory timescales

**5.0 Neighbour Representations**

5.1 To date there has been 49 letters of objection in relation to the application with 1 neutral. The latter, neither, supporting or objecting to the development was on the basis of wishing to see the narrow gauge railway tracks remain. The reasons for objection are noted below;

- Loss of view (not a planning consideration);
- Premium Price paid for properties along New Quay Road (not a planning consideration);

- Concerns of flooding, surface water drainage and the potential impact on the flood defence wall;
- The size of the site is not sufficient to accommodate the number of dwellings proposed;
- Loss of the narrow Gauge railway;
- Detrimental Impact on the cycleway that passes the site;
- Visually overbearing to the adjacent properties and loss of amenity;
- Traffic safety concerns;
- Adverse impacts on nature and environmental conservation;
- Loss of an important Green Corridor;
- Alternative use as a place for reflection and nature study area should be considered;
- Existing Infrastructure is insufficient to accommodate the development;
- Loss of Maritime and Historic Heritage;
- Noise and Light disturbance;
- Development is not in keeping with the frontage along the River Lune;
- Detrimental Impact on the designated pathway (National Cycle Route 6);
- Design concerns;
- Information in relation to ecology has not been uploaded correctly;
- Development is not in conformance with the Development Plan or National Planning Policy;
- Will require to use the drainage implemented by Barratt's.

Councillor Jon Barry has objected to the development on the basis of interference with the cycle way and that the area would lend itself better to an area of open space, and the development would be detrimental to the area.

Barratt Homes have objected to the development based on the objections raised by the Environment Agency and Lancaster City Councils Planning Policy Team.

### **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  
Paragraph 173 – Deliverability  
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  
SC7 – Development and the Risk of Flooding  
E1 – Environmental Capital

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

T24 – Strategic Cycle Network  
E30 – Green Corridors

#### **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  
DM33 – The Setting of Non-Designated Heritage Assets  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings

## **7.0 Comment and Analysis**

7.0.1 There are a number of considerations with respect to the application which include;

- Principle of Development;
- Flooding;
- Surface Water Drainage;
- Flood Defences;
- Highways;
- Design and Layout;
- Drainage Infrastructure;
- Affordable Housing;
- Air Quality;
- Heritage;
- Ecology.

### 7.1 Principal of Development

7.1.1 Whilst the site is unallocated for development the site is located within the main urban area of Lancaster and therefore it is a location where the Council would, in principle, support residential development. The most recent housing land supply and delivery position for the district is described in the 2015 Housing Land Monitoring Report (HLMR) and accompanying Housing Land Supply Statement 2015. This has a base date of the 1<sup>st</sup> April 2015. Allowing for existing commitment and past housing completions, the requirement for a 20% NPPF buffer and the Sedgefield methodology for calculating future supply the Housing Land Supply Statement identifies a five year supply position of 3.4 years against its adopted housing requirement of 400 dwellings per annum.

7.1.2 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPA) should approve development proposals that accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole: or
- Specific policies in this Framework indicate development should be restricted.

As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery should be considered favourably. Notwithstanding this the site has been assessed as part of the Council's SHLAA (Site SHLAA\_266) and has been found to be undeliverable for housing (reflecting the high flood risk) and coupled with this, the site would need to be considered as part of the wider regeneration proposals in the Luneside Area. On the basis of the above it is considered that the current application is contrary to the adopted plan, for the following reasons.

### 7.2 Flooding

7.2.1 The site falls within Flood Zone 3 which is defined as having a high probability of flooding, albeit it is protected by a flood defence which gives protection for a 1 in 500 year flood event, providing a crest level of 8.11 metres. Notwithstanding this, given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in paragraph 101 of the National Planning Policy Framework (NPPF) which states that 'The aim of the

Sequential Test is to steer new development to areas with the lowest probability of flooding. *Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding.* The NPPG is clear in paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

7.2.2 The applicant was made aware of the need for a sequential assessment early in the application process however one has not been forthcoming to establish whether there are more acceptable sites in Flood Zones 1 and 2. Given no assessment has been carried out, it is considered that there are likely to be many locations within the District which are outside Flood Zones 2 and 3 and it is unlikely that there would not be reasonably available sites elsewhere at a lower risk of flooding which could accommodate the proposed development. In the absence of a robust assessment it is considered that residential development is unacceptable on this site and therefore contrary to Policy DM38 of the DM DPD.

### 7.3 Surface Water Drainage

7.3.1 The application is accompanied by a Flood Risk Assessment, however the Lead Local Flood Authority have objected to the development on the basis that the proposal has no detail on how the surface water and potential flood water will be attenuated on site and lacks detail on how flood flow routes will traverse through the site from surface water. Whilst accepting that the application is made in outline form, this form of permission does establish the principle of the development, and as such in the absence of such information it is considered that the proposal has the potential to increase surface water in the locale therefore potentially leading to flooding issues, and consequently further information is required from the applicant to address these concerns. Given this it is considered that the scheme is contrary to Policy DM39 of the DM DPD.

### 7.4 Flood Defences

7.4.1 The Environment Agency have objected to the development on the basis that the proposal involves developing within 8 metres of a flood defence and would restrict essential maintenance and emergency access to the defences. The indicative plan currently provides for all garden spaces to be within the 8 metre easement. It is essential that there is access for maintenance purposes, and whilst permitted development rights could be removed, there would still need to be some form of boundary treatments between the units to ensure privacy for people utilising their gardens, and therefore on the face of it the two would appear at odds with one-another, leading to questions as to whether private gardens could actually be developed on the site. Whilst it may be possible, there is no confidence as matters stand as to how this would be delivered. It is therefore considered that the scheme has the potential to adversely impact on the flood defence purposes therefore contrary to the provisions of Policy DM38 of the DM DPD.

### 7.5 Highways

7.5.1 There has been local concern regarding the capacity of the local highway network to accommodate additional vehicles and more so in relation with the conflict with cycle users and pedestrians who use the footway in front of the site to cycle and walk along. With respect to highways, the County Council raise no objection to the scheme subject to conditions namely concerning the 2 metre footway along the frontage of New Quay road to tie into the existing footway, together with 4.5 metre wide dropped crossing. It is therefore considered that the site can accommodate this number of units proposed and given the County have raised no issue with highway capacity then the development is acceptable from this perspective. The County have not raised concern that the development is adjacent to the National Cycle Route which is Route 6 (Preston to Lancaster).

7.5.2 A number of the representations received in response to the application have raised concern regarding conflict between pedestrians and cyclists who utilise the footway to the front of the site. From a review of online maps it would appear that the official route utilises the road, however makes logical sense why cyclists have been using the footway in front of the site. The land in question is

not currently adopted. Through further discussions with County Highways and their Senior Cycling Officer it has been concluded that there is a slight risk but this risk can be reduced by ensuring the development is as open plan as possible, and does not consider that parking across the pavement would be of huge concern given it is well used by cyclists and pedestrians. Whilst not requested by the County, additional signage could be provided and this can be addressed by means of planning condition should a scheme be supported.

### 7.6 Design and Layout

7.6.1 The applicant engaged in the Councils pre-application advice service earlier in 2015 when at this point concerns were raised that any scheme in this prominent location would need to have active frontages on all four elevations and not to undermine the wider regeneration of the area. The scheme proposed consists of the erection of a mix of terraced and detached units (proposed at 4 bedrooms) which does reflect the general character and appearance of the surrounding area especially for the Luneside West development which is currently being developed by Redrow and Barratt Homes. The scheme is at a high density (in the region of 40 dwellings per hectare) but this is considered to make efficient use of land and not uncharacteristic of the surrounding area. Notwithstanding this all properties along St Georges Quay and New Quay Road face the River and there is no development on the riverside aspect of the road (such as the proposed development). The principle of housing here, could be supported (assuming technical issues are overcome) however it is considered that if members were minded to approve the scheme a sensitively designed scheme would need to take note of the prominent quayside location and for any scheme coming forward ensure that the rear of the properties when viewed from Morecambe Road and the shared cycleway/path are not dominated by garden play equipment and sheds which could be seen to detract from the wider regeneration that is occurring in the locale.

7.6.2 The scheme at 2.5 storey's in height would be akin to the adjacent development and whilst a number of concerns have been raised with respect to privacy, this should be ensured given there would be 21 metres between dwellings where windows of habitable windows face each other, and whilst the gardens proposed are not 10 metres in length they adhere to the Councils standards of 50sqm, however for the reasons set out in 7.4.1 there are doubts whether this is possible. Overall in conclusion, it is considered that the development on plan would be difficult to resist on design and layout reasons assuming active frontages can be achieved on all elevations, however given the issues that have been raised in respect of flooding (para 7.4.1) and drainage infrastructure (para 7.7.1) whether this is possibility it remains to be seen (such as whether boundary treatments can be used in private gardens and whether if agreement can be reached with the Environment Agency what the overall garden sizes would be).

### 7.7 Drainage Infrastructure

7.7.1 The views of United Utilities have been sought on the application who whilst do not raise an objection to the scheme have raised significant concerns regarding the presence of a 750mm public combined rising main/pressurised sewer crossing the site. There is a requirement (under building regulations) that there cannot be any development over or within 3 metre of the rising main because the proposed development would be exposed to a high risk in the event of a failure of the rising main. It is very evident from the indicative plan that the development as proposed would not be acceptable given all the units currently proposed are within 3 metres of the mains and therefore meaning that a diversion would be required to facilitate the development. The applicants supporting statement suggests that the cost of a diversion would be a cost incurred by United Utilities due to a legal agreement between the parties. Notwithstanding this, it raises issues as to whether the development can be accommodated on this parcel of land and therefore whether this is a 'deliverable scheme'.

### 7.8 Affordable Housing / Housing Needs

7.8.1 Given the number of units proposed there is a need to provide 20% on-site affordable provision, equating to 2.8 units. The applicant has suggested that the deliverability of 20% would be subject of a viability assessment, with the viability appraisal being submitted as part of the planning application. Whilst requested from the applicant, the appraisal has yet to be received at the time of writing this report. Notwithstanding this it is quite normal for schemes that are outline not to be accompanied by a detailed viability appraisal and therefore if members were minded to approve the scheme then the 20% could be secured by means of legal agreement.

7.8.2 The scheme as set out in the applicants supporting documents is proposing 4 bedroom units with a mix of terrace and detached dwellings. The Meeting Housing Needs SPD sets out the general need for the area is predominantly properties consisting of 2 and 3 bedrooms within a mixture of dwelling types. It could be considered that the application deviates from the identified need however if a scheme was to be approved this could be considered further at reserved matters stage and in the absence of a response from the strategic housing officer, overall it is considered that matters relating to type and size of properties could be addressed further at reserved matters stage to ensure that the development is meeting a local identified need.

### 7.9 Air Quality

7.9.1 The application is supported by an Air Quality Assessment given the development would be accessed from the City Centres one way system and this forms the main part of Lancaster's Air Quality Management Area. The conclusions of the assessment (based upon 30 units) is that overall it is unlikely to result in adverse air quality impacts. Given the number of units proposed whilst there may be additional traffic flow into Lancaster's AQMA, the site is a sustainable one, meaning that it would be possible to walk into the City Centre for work and recreational purposes and whilst the views of Environmental Health are awaited it is not considered that there would be detrimental impacts. It is recommended that electric vehicle charging points are installed in all dwellings should committee be minded to approve the application.

### 7.10 Heritage

7.10.1 The application has generated a substantial amount of public interest with many citing concerns regarding the loss of the last remaining Quay. It is noted that the application site in the past was a quay for the Lune Mills Linoleum Works and New Quay was established in 1767 after St Georges Quay and therefore would have played a pivotal role in Lancaster's economic success in the past. Whilst the site is generally populated by scrub, the site still has the former narrow gauge rails associated with the previous use and therefore it does have some historical value. However the site is a brownfield site and is not within a conservation area, nor is a scheduled monument or listed in any way. The conservation officer raised no objections to the location of dwellings on the site and therefore it is not considered that refusing the application on the basis of a loss of heritage could be substantiated at appeal.

### 7.11 Ecology

The site immediately abuts the River Lune Biological Heritage site, and the Lune Estuary SSSI and Morecambe Bay SPA/SAC are 1km downstream as such the application was supported by an ecological appraisal. This identified no significant ecological constraints associated with the development and given the presence of the flood defence wall between the Lune and the development it is not considered that there would be any significant impacts on any protected sites. It is also not considered that the development would result in increased pressure on the Morecambe Bay SPA/SAC with respect to the disturbance of wading birds and wildfowl and therefore no significant impacts are envisaged. A condition could be imposed requiring the submission of an ecological enhancement plan.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The site is considered to be in a sustainable location and has the potential to accommodate development assuming technical issues can be overcome. However, herein lies the problem. The site is located within Flood Zone 3, which is defined as having a high probability of flooding in the National Planning Practice Guidance. No Sequential Test has been submitted and therefore does not accord with National or Local Planning Policy. As such, it has not been demonstrated that there are no other sites available, within areas at a lower risk of flooding, that could accommodate this development. The proposal, therefore, represents an unacceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework. Furthermore the application has raised concerns with respect to the impact that the development may have on the flood defences together with how surface water will be managed on the site and



has attracted objections from the Lead Local Flood Authority and the Environment Agency, and given the rising mains crossing the site brings into question whether the site is deliverable together with whether taking into account the Environment Agencies requirement for a 8 metre easement whether private garden spaces can be achieved.

### **Recommendation**

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

1. The site is located within Flood Zone 3 and the applicant has not submitted a sequential assessment as required by paragraph 101 of the NPPF. As such, the proposals represents an unacceptable form of development within an area defined as having a high probability of flooding and therefore contrary to Policy DM38 of the Development Management Development Plan Document.
2. The proposed development has the potential to restrict access to the flood defences and therefore heightening the risk of flood defence failure due to a lack of maintenance. The development is therefore contrary to provisions of Section 10 of the National Planning Policy Framework and Policies DM38 and DM39 of the Development Management Development Plan Document.
3. The application contains insufficient detail about how surface water and potential flood water would be attenuated on the site and lacks detail about flood flow routes through the site from surface water, and therefore is considered contrary to Policies DM38 and DM39 of the Development Management Development Plan Document.
4. The proposed development would impact on a rising mains sewer and as such would not comply with current guidance in relation to separation distances. There are concerns therefore whether the proposal would be deliverable and as such does not comply with paragraph 173 of the National Planning Policy Framework.
5. Given the need to leave an 8 metre easement to allow flood defences to be maintained there is no certainty that private usable residential garden space could be achieved and therefore the proposal is contrary to Policy DM35 of the Development Management Development Plan Document.

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

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

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

### **Human Rights Act**

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

### **Background Papers**

None

<b>Agenda Item</b>  A10	<b>Committee Date</b>  11 January 2016	<b>Application Number</b>  15/01355/VLA
<b>Application Site</b>  Land To The Rear Of Burr Tree Cottage Long Level Cowan Bridge Lancashire	<b>Proposal</b>  Variation of legal agreement attached to planning permission 15/00537/FUL to amend affordable housing provision	
<b>Name of Applicant</b>  Mr Richard Morton	<b>Name of Agent</b>  Mr James Ellis	
<b>Decision Target Date</b>  21 December 2015	<b>Reason For Delay</b>  At the agent's request	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	N/A	
<b>Summary of Recommendation</b>	Refusal	

## 1.0 The Site and its Surroundings

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

## 2.0 The Proposal

2.1 This application seeks to amend the legal agreement attached to the planning permission 15/00537/FUL for 18 residential houses in Cowan Bridge. The current legal agreement requires the provision of 7 affordable units (39% provision across the site) with a split of 3 social rented and 4 intermediate, but due to external factors affecting Registered Providers only 5 affordable (intermediate) units are now proposed, which equates to 28% provision across the site.

## 3.0 Site History

3.1 There have been 2 recent planning applications that relate to this site and the current proposal:

Application Number	Proposal	Decision
14/01052/FUL	Erection of 18 dwellings with associated access and parking	Withdrawn
15/00537/FUL	Erection of 18 dwellings with associated access and parking	Permitted

**4.0 Consultation Responses**

4.1 No comments have been received from statutory and non-statutory consultees, other than from Legal Services confirming that the legal agreement can only be altered by way a formal variation (Deed of Variation).

**5.0 Neighbour Representations**

5.1 No comments have been received.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework

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

Paragraph **17** - 12 core land-use planning principles  
Paragraphs **50** and **54** - housing

6.2 Core Strategy

Policy SC4 – Meeting the District’s Housing Requirements

6.3 Development Management DPD

Policy DM41 – New Residential Dwellings

6.4 Other Material Considerations

Meeting Housing Needs Supplementary Planning Document

**7.0 Comment and Analysis**

7.1 National Background

The background to this proposal relates to external factors affecting Registered Providers at the current time, namely the summer Budget and the Housing and Planning Bill (the latter is at the second reading stage in the House of Commons). The announcements arising from the Budget and the Bill are a 1% reduction in rents year-on-year for 4 consecutive years, an extension to “Right to Buy” initiative and an introduction of the Starter Homes scheme. Whilst the decrease in income from rents is very clear cut, the other 2 schemes lack sufficient detail at this time for Registered Providers to be certain as to the impacts on their respective businesses, but based on the outline plans for each scheme/initiative it is likely that the impacts will be negative. Consequently Registered Providers are reviewing their business models – reconsidering elements of their operations that they have previously discounted and assessing whether to continue with elements that they are currently involved with. In the interim they are being very cautious about what they take on, and reducing the level of risk that they are willing to expose themselves to where developments are pursued.

7.2 Site Specific Background

The planning application 15/00537/FUL was approved by Planning Committee in June this year, subject to planning obligations and conditions. This was following an independent financial appraisal to ascertain what level of affordable housing could be achieved on the site. Based on the independent appraiser’s findings 7 affordable dwellings were deliverable (3 social rented and 4 intermediate housing), and this was duly reported to Members and endorsed by their decision to secure their delivery by way of a planning obligation set out in a Section 106 agreement. The applicant, landowner and the Council signed and completed the required legal agreement to this effect, and the decision notice granting planning permission was issued. However, the values used within the financial appraisal reflected the Registered Providers’ conditions in early 2015. As raised in 7.1, these conditions have changed. This coupled with the fact that this is a small residential scheme in a remote location (remote in terms of where most Registered Providers operate) has meant that the sum being offered by the only interested Registered Provider is less than what was envisaged.

## 7.3 Housing Mix

As a result, the applicant has come back to the Local Planning Authority with a revised offer of 5 intermediate rented units. The principle of seeking a variation to the tenure and overall level of provision is acceptable in the current market, but the extent of the changes sought are deemed insupportable. The viability of the scheme was subject to an independent assessment earlier this year, after which the applicant signed the required legal agreement to secure the planning permission for the site. The applicant is now stating that they never agreed to the independent appraiser's assessment, but signed the legal agreement to gain planning consent. However, even taking into consideration the lower offer from the interested Registered Provider 6 intermediate housing units are viable, especially when the original appraisal considered the build costs associated with 13 garages when only 8 are shown on the approved drawings. Furthermore, looking back at the information provided by the applicant over the last year, the financial value attributed to the land has incrementally increased on each version of the appraisal produced, so the Local Planning Authority is more than satisfied that land is being valued at a favourable level for the landowner to allow the site to be released for development. The applicant has provided further information to try and counter argue this position, but ultimately the land value for the landowner and the profit margin for a developer is viable. The Local Planning Authority accept that the provision of 7 affordable units is not viable, but deem that 6 is, which equates to 33% across the site. The proposal for 5 erodes the Council's affordable housing policy position at the expense of developer profit.

## 8.0 Planning Obligations

8.1 This report relates to one of the planning obligations attached to planning permission 15/00537/FUL, which is associated with affordable housing provision. The other obligation relates to ongoing public open space maintenance and managements, which can be financed through service charges levied on future occupiers of the open market houses.

## 9.0 Conclusions

9.1 The principle of varying the legal agreement is accepted. The circumstances surrounding affordable housing provision has changed in the last 6 months and as such the offer for affordable housing from a Registered Provider is less than previously envisaged. However, the applicant is seeking to reduce the obligation by providing only 5 affordable houses (all intermediate housing), which would effectively increase their profits. To maintain an acceptable level of profit from a scheme of this size whilst retaining the scheme's viability, the provision of 6 intermediate houses is deemed appropriate and feasible.

## Recommendation

That the legal agreement attached to planning permission 15/00537/FUL **REMAIN UNVARIED** unless the applicant is willing to enter into a Deed of Variation to secure the delivery of 6 affordable houses (intermediate housing) on site rather than 7 (3 social rented and 4 intermediate housing).

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

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

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

## **Human Rights Act**

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

## **Background Papers**

None.

<p align="center"><b>Agenda Item</b></p> <p align="center">A11</p>	<p align="center"><b>Committee Date</b></p> <p align="center">11 January 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">15/01167/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">Land East Of Railway Line St Michaels Lane Bolton Le Sands Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of 20 dwellings with associated new access</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Gary Middlebrook</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Mr Daniel Hughes</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">29 December 2015</p>	<p align="center"><b>Reason For Delay</b></p>	
<p><b>Case Officer</b></p>	<p>Mr Philip Megson</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approval (subject to the resolution of Network Rail's holding objection regarding their drainage assets, and the receipt of further comments from County Highways)</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The site, 0.76 hectare, is currently undeveloped pasture land with a slight slope to the west. The site lies to the east of the West Coast Main Line (WCML) and is adjacent to residential development to the north and east. To the south is agricultural land designated as Green Belt. The boundary of the site is marked by hedgerows and trees, with a small drainage ditch located on the western boundary.
- 1.2 There is an open ditch on site which runs parallel to the WCML towards the middle of the site before turning north west and is culverted under the railway line. The ditch opens up again to the west of the WCML. There are two culverted watercourses on site at present: one runs into the open drainage ditch and one which connects to the culvert under the WCML.
- 1.3 St Michael's Lane, which runs along the northern boundary of the site, links to the A6 in the east with a level crossing with an automatic barrier (locally monitored) over the WCML immediately to the north west of the site. There is a junction between St Michael's Lane and Sunnybank Road to the north of the site.
- 1.4 The surrounding buildings are of varying styles and ages with no predominant architectural style.

## **2.0 The Proposal**

- 2.1 The proposed development comprises 20 two-storey dwellings (2no.x 1-bedroom, 4no.x 2-bedroom, 2no.x 3-bedroom, and 12no.x 4-bedroom) with private parking spaces arranged around a cul-de-sac. The layout incorporates 20 dwellings arranged around a cul-de-sac layout.
- 2.2 All the proposed dwellings are two-storey with pitched roofs and would have a similar overall height and massing as the surrounding houses. The house designs are traditional in nature and reflect the character of existing properties in the surrounding area. The dwellings elevations would be facing brick and render, with concrete tiles on the roof.

- 2.3 The proposed development would deliver 8 affordable houses (two 1-bedroom, four 2-bedroom and two 3-bedroom) which represents 40% of the development, unless evidence as to the viability of the scheme has been provided that demonstrates that it would be appropriate to reduce this proportion.
- 2.4 The proposed access is from St Michael's Lane. A mini roundabout at the junction would assist vehicles entering and leaving the development if the gates to the level crossing of the railway are closed. A new 2m wide footpath would be provided along the site frontage to St Michael's Lane. The proposed access road is 5m wide with a 2m service strip down either side. A turning head is proposed at the southern end of the access road. An area of public open space would be located to the South and East of the turning head. A parking area for 10 cars is proposed to the rear of houses 1-6, which front St Michael's Lane. Plots 7–20 would have parking within the curtilage of each plot.
- 2.5 It is proposed to divert the culverted watercourses to take a route which is undisturbed by any of the proposed dwellings to prevent future maintenance issues and reduce the risk of future flooding. The existing soil conditions are predominantly peat and of clay. Due to the impermeable nature of clay, soakaways and infiltration are unlikely to provide a viable option for the disposal of surface water. It is proposed to discharge surface water to the on-site drainage ditch via a 225 cubic metres attenuation tank in order to regulate discharge to 5 litres / second.
- 2.6 To the east of the access on the north frontage it is proposed to remove a hedge to accommodate the new footpath. It is proposed to fell a 17m high mature ash tree on the boundary to the WCML: the tree exhibits signs of die back and evidence of stress. Measures will be taken to eradicate Japanese knotweed from a hedge on the South East boundary of the site. An area of public open space is proposed in the South East corner of the development.
- 2.7 The layout incorporates a 15m exclusion zone between the WCML and the rear of the properties facing west to assist in the mitigation of noise and vibration arising from passing trains. An acoustic barrier is proposed between the proposed dwellings (rear elevations facing west) and the WCML. The acoustic barrier would be constructed using 3.5m high heavy duty slotted timber posts which would support a 2.5m high acoustic fence constructed of timber boards with tongue and groove interlocking edges over a 1m high safety fence constructed of "hit and miss" timber boards. The acoustic barrier would wrap round the garden area of Plot 1 and, for the majority of its length, run parallel to the drainage ditch / WCML along the western boundary of the development, then parallel to the southern boundary of the site wrap round the garden area of plot 14.

### **3.0 Site History**

- 3.1 The only site history relates to the request for pre-application advice (15/00774/PRETWO) to inform the current planning application.

### **4.0 Consultation Responses**

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

Consultee	Response
<b>Network Rail</b>	<b>Holding objection</b> - lack of detail of proposed drainage of the site, including potential scour to a culvert owned by Network Rail. Discussions between Network Rail and the Applicant are ongoing - a verbal update will be given to Committee. In respect of the level crossing, Network Rail require that no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing.
<b>Highways Authority</b>	<b>Holding objection re:</b> lack of comments from Network Rail in relation to the impact of the proposed development on the level crossing. It is anticipated that the holding objection will be withdrawn by the Highways Authority. A verbal update on the status of the holding objection and other highways and traffic matters will be given to Committee.

<b>Parish Council</b>	<b>Comments</b> - Acknowledge that housing development is acceptable in principle, but express concerns regarding the access, increased number of cars and parking. Object to the mini roundabout. Consider measures are required at junction of St Michael's Lane and A6 to enable vehicles to turn right (i.e. towards Lancaster). Request a Construction Traffic Management Plan.
<b>Environmental Health</b>	<b>No objection</b> – based upon the receipt of Phase 2 Geo-Environmental Assessment and the Noise and Vibration Assessment Report (November 2015) conditions are recommended relating to any bunding of tanks; the provision of adequate glazing and ventilation systems; and no development until scheme setting out noise mitigation for residential development is submitted and approved. On Air Quality, they recommend provision of electrical charging points for electric vehicles at each dwelling.
<b>Strategic Housing Policy</b>	<b>Comments</b> - The main market housing needed at Bolton-le-Sands are two bedroom bungalows, two bedroom houses and 4 bedroom houses. The affordable housing need is 1 bedroom flats or houses, two bedroom houses and then three bedroom houses. The affordable housing should be a mixture of 50% social rented and 50% intermediate housing (which is normally provided as intermediate rented or shared ownership delivered through Registered Providers). A cascade provision normally applies for affordable housing in a rural parish, which gives priority to applicants who have a local connection to the immediate and then surrounding parishes, and this is usually contained in the legal agreement. All affordable units must comply with the HCA's design and quality standards (and if possible lifetime homes standards).
<b>Tree Protection Officer</b>	<b>No objection</b> , subject to condition requiring a detailed landscaping scheme. Consideration should be given to replacement hedge planting adjacent to the public highway and adjacent to the railway line to produce a continuation line of hedgerow trees. Consideration should also be given to the relationship of trees to plot 14.
<b>United Utilities Water PLC</b>	<b>No objection</b> to the proposed development subject to conditions regarding separate foul and surface water drainage, and surface water drainage scheme being submitted.
<b>Lead Local Flood Authority (LLFA)</b>	<b>No objection</b> – subject to conditions regarding a Surface Water Lifetime Management Plan; and no development within 8m of an ordinary watercourse. The LLFA also advise that a Land Drainage Consent is also required. This falls within a separate consenting regime.
<b>County Education Authority</b>	<b>No objection</b> - they seek a financial contribution for 5 primary school places and 1 secondary school place.
<b>Lancashire Fire &amp; Rescue Service</b>	<b>Comments</b> - Advice that LFRS will comment at the building regulation stage.

## **5.0 Neighbour Representations**

5.1 At the time of writing, 14 representations objecting to the proposals have been received. The issues raised may be summarised as follows:

- Drainage matters, including increased surface water run-off; displacement of surface water due to level differences; reduced effectiveness of existing surface water storage; flooding and risk of pollution by sewage;
- Traffic and highway matters, including additional traffic exacerbating problems (especially at the adjacent automated level crossing, and especially during summer months); construction-related traffic; absence of pavement on St Michael's Lane; mini-roundabout could increase accident risk and would be difficult for larger vehicles; poor visibility splays at the junction of St Michael's Lane and Hillcrest Avenue; need for traffic lights at junction with A6; warning signage required.
- Tree and hedgerow matters, including loss of hedgerow on St Michael's Road frontage; loss of access by residents on Hillcrest Avenue to maintain boundary hedge; concerns about the potential damage to the dividing hedge between 36 St. Michaels Lane and the new building plot in the adjacent field; and presence of Japanese Knotweed in the hedgerow on the south east boundary of the site.
- Nature Conservation: loss of potential habitats for bats and nesting birds (protected species).
- Infrastructure: erection of family type houses would put pressure on local school places; and demand for parking in the village would increase.



**6.0 Principal National and Development Plan Policies**

**6.1 Development Management DPD Policies**

DM27 (Protection and Enhancement of Biodiversity); DM41 (New Residential Development);  
DM41 (New Residential Development)  
DM42 (Managing Rural Housing Growth)

**Lancaster District Core Strategy Policies**

SC1 (Sustainable Development);  
SC2 (Urban Concentration);  
SC3 (Rural Communities)  
SC4 (Meeting Housing Requirements); and  
SC8 (Recreation and Open Space)

**Joint Lancashire Minerals and Waste Local Plan DPD Policy**

M2 (Safeguarding Minerals)

**7.0 Comment and Analysis**

7.1 Bolton-le-Sands is a settlement in which proposals for new housing will be supported (Policy DM42) Although Bolton-le-Sands is not defined (in planning terms) by a settlement boundary, the site has been excluded from the Green Belt and so can be considered to be part of the settlement. Existing housing lie to the north and east of the site. The site is suggested for allocation for housing development in Policy Res1 (Meeting the District's Housing Requirements) in the Land Allocations DPD Preferred Options and appears in the Strategic Housing Land Availability Assessment (SHLAA) 2015. It is considered that the principle of housing development of the site is acceptable.

7.2 The remaining key material considerations arising from this application are:

- Access and highway safety;
- Affordable housing;
- Drainage;
- Noise and vibration; and
- Impacts on boundary trees and hedges and boundary treatments.

**Access and Highway Safety**

7.3 Network Rail initially raised concerns over the potential increase in use of the level crossing as part of the development but has subsequently confirmed that there no objections in relation to this, subject to a condition that maintains sight-lines for users of St Michael's Lane of any existing level crossing road signs or traffic signals or the crossing itself during the construction / operational period and as a permanent arrangement. The same consideration applies to the rail approaches to the level crossing. (Network Rail have retained a holding objection on drainage matters, and this is discussed later in this report)

7.4 A mini roundabout is proposed at the entrance to the site to facilitate access to and egress from the proposed development. This would assist vehicles entering and leaving the development if the gates to the level crossing of the railway are closed. A new 2m wide footpath would be provided along the site frontage to St Michael's Lane.

7.5 County Highways have raised a holding objection to the proposed development in the absence of comments from Network Rail. As Network Rail have now commented on the impact of the development on the highway, it is anticipated that the County Highways holding objection will be lifted. A verbal update on the status of the holding objection and other highways and traffic matters will be given to Committee.

**Affordable Housing**

7.6 As the proposed development would be for 20 units on a greenfield site, Policy DM41 requires the provision of up to 40% affordable housing.

7.7 The main market housing needed at Bolton-le-Sands are 2-bedroom bungalows or houses and 4-

bedroom houses. The affordable housing need is 1-bedroom flats or houses, 2-bedroom houses and then 3-bedroom houses.

- 7.8 The proposed development offers 8 affordable homes (40%). The contribution would comprise two 1-bedroom dwellings, four 2-bedroom dwellings and two 3-bedroom dwellings. This mix of housing is considered appropriate and the delivery of the affordable housing would be secured through a Section 106 Agreement.
- 7.9 Subject to the requirements of Registered Providers, the affordable housing provision would be a mixture of 50% social rented and 50% intermediate housing. As a rural parish, cascade provision would normally apply, which gives priority to applicants who have a local connection to the immediate and then surrounding parishes.

### Drainage

- 7.10 Whilst there have been public reservations regarding drainage matters, the Lead Local Flood Authority (LLFA) has no objection to the proposed development subject to the inclusion of a condition relating the submission and approval of an appropriate management and maintenance plan for the proposed attenuation system for the lifetime of the development prior to first occupation of any of the proposed dwellings. The LLFA has provided detailed advice regarding sustainable drainage systems, infiltration and permeability testing. It encourages the developer to work with the topography of the site when designing drainage systems.
- 7.11 The LLFA also provides advice to the developer regarding the provisions of the Land Drainage Act 1991 and the separate consent regimes that will be required from the LLFA.
- 7.12 The LLFA advise that there should be no structures constructed within 8 metres of the open/culverted watercourse. This is because access for maintenance is required, and also because it has the potential to pose an undue flood risk to those structures should fluvial flooding occur.
- 7.13 Network Rail currently maintain a holding objection to the proposed development on the grounds of potential impacts on Network Rail's drainage assets. Network Rail and the applicant are engaged in discussions to address the issue: a verbal update will be given to Committee.

### Noise and Vibration

- 7.14 Due to the proximity of the WCML consultants have undertaken Noise and Vibration Assessments for the proposed development. The Noise Assessment concludes that with regard to external noise levels, the proposed site is considered suitable for residential development, subject to the incorporation of appropriate noise mitigation measures. The measures proposed to mitigate noise impacts include acoustically attenuated ventilation systems/units to allow habitable room windows to remain closed whilst achieving satisfactory ventilation rates. Non-habitable room windows, and side elevation windows to circulation spaces would not require noise attenuation measures.
- 7.15 Effective noise mitigation for garden areas would be provided by the proposed acoustic barrier. To achieve guideline noise limits within gardens, an acoustic barrier with a minimum height of 2.5m above the level of the railway (not the ground level where the dwellings are to be located) is required. The difference in levels has resulted in a 3.5m high barrier. The barrier would also help to reduce the external noise levels directly outside ground floor windows, which in turn would lead to lower internal noise levels.
- 7.16 The Environmental Health Officer is satisfied that conditions relating to the provision of adequate glazing and ventilation systems and a scheme setting out noise mitigation for residential development is submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development.
- 7.17 With regard to train vibration levels, the Assessment concludes that adverse comment is unlikely during the daytime period and that a low probability of adverse comment is anticipated during the night time period.

### 7.18 Trees, Hedges and Boundary Treatments

A total of 14 individual trees (T1-T14) and 1 group of trees (G1) and 4 hedgerows (H1-H4) have been identified in relation to the proposed development. Species include ash, sycamore, poplar, beech hawthorn and elder.

7.19 A mature ash tree (T14) growing along the western boundary, adjacent to the railway line, is the only individual tree proposed for removal, because of its poor overall condition. A hawthorn hedge (H1) is also proposed for removal in order to accommodate the new access and new dwellings to the northern boundary.

7.20 Whilst there are few significant individual trees, the greatest value of trees around the site is the collective visual greening and partial screening that they generate. They are entirely in keeping with the character and appearance of the site and wider locality.

7.21 There are no existing proposals to establish new replacement hedge planting within the curtilage of plots no.1-6 and no 20 which are located adjacent to the public highway; and plot nos. 12 & 13 proposed to the immediate east of the main line railway. A detailed landscape scheme will be required detailing new tree and hedge planting, which must be appropriate to the site use and wider locality. The condition requiring the landscape scheme shall also require the applicant to consider hedgerow replacement at plots 1-6 and 20. It is acknowledged that the hedge is proposed to be removed to provide the new footpath, but replacement hedgerow forming the front boundary could be an attractive feature.

7.22 There are a range of boundary treatments marked on the plans, ranging from a 1.8m high brick wall, to a similar height of close-boarded fence, and a 0.9m high wall with a fence above. There needs to be consistency in boundary treatment, and condition number 4 will ensure that details are agreed with the local planning authority.

### Other Matters

7.23 Air Quality: the Environmental Health Officer recommends provision of electrical charging points for electric vehicles at each dwelling as per draft planning advisory guidance. Whilst such provision may be desirable, it is not necessary for the following reasons: there was no need identified for an air quality assessment at validation; there is no existing air quality concern at the site; and the site is not adjacent to an Air Quality Management Area.

7.24 Education: There would be a shortfall of school places directly resulting from the impact of the proposed development. The Education Authority are seeking a financial contribution to fund 5 primary school places and 1 secondary school place to mitigate the impact.

7.25 Public Amenity Space: the amount of amenity space required for this number and type of dwellings is 356 square metres. Public amenity space is to be provided in the South East corner of the development. Due to a shortfall in on-site provision, the applicant is also making off-site contributions as required by the City Council's Open Space Contributions from Residential Development Planning Advisory Note (June 2015).

7.26 Minerals Safeguarding: The 1:100,000 scale Lancashire Mineral Resources Map shows that there is a sandstone resource located beneath the site, which forms part of the County's strategic resource of crushed rock aggregate. The aggregate resource present on-site would be safeguarded by the depth of the superficial deposits present on-site, which the local borehole information (above) indicates to be at least 6.1m in thickness. This depth is likely to be deeper than the majority of the foundations to be employed on-site; so a minimal amount of bedrock would be disturbed during the building process, if any. The quarrying of the aggregate is not currently feasible due to the WCML and existing residential properties.

## **8.0 Planning Obligations**

8.1 The following Section 106 contributions are required to make the development acceptable in planning terms:

- 40% affordable housing;

- Contribution to education provision - based on current information a financial contribution for 5 primary school places and 1 secondary school place (figure to be finalised by LCC Education); and
- Off-site contributions as required by the *City Council's Open Space Contributions from Residential Development Planning Advisory Note (June 2015)*. The following contributions apply: £10,000 for equipped play areas; £10,000 for children and young people; and £5,000 for parks and gardens.

A Section 278 Agreement under the Highways Act will enable delivery of any to off-site highways works as required by County highways. Confirmation of the precise details will be reported verbally.

### **9.0 Conclusions**

- 9.1 Bolton-le-Sands is a settlement in which proposals for new housing will be supported. The proposed development of 20 houses would deliver a mix of house types and 8 affordable houses.
- 9.2 It is considered that material considerations arising from the proposed development have been satisfactorily addressed for all issues except drainage (in relation to Network Rail's assets) and the final requirements of County Highways, in their role as Highways Authority.
- 9.3 The Lead Local Flood Authority has not objected to the proposed drainage arrangements. Network Rail have submitted a holding objection pending discussions with the applicant about potential impacts on Network Rail's drainage assets. The outcome of discussions will be reported verbally to Committee.
- 9.4 Network Rail's objection relating to the impacts of the proposed development on the railway level crossing have been alleviated, and it is anticipated that the Highways Authority will remove their holding objection as a consequence. The views of the Highways Authority will be reported verbally to Committee.
- 9.5 If the matters regarding Network Rail's drainage assets and the highway response are not satisfactorily resolved before the Committee Meeting, then Officers will verbally advise the most appropriate course of action.

### **Recommendation**

That subject to the satisfactory resolution of the issues regarding Network Rail's drainage assets, and the receipt of further comments from County Highways, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard time condition.
2. Development to be in accordance with approved drawings.
3. Notwithstanding plans, details of all external materials to be agreed (and samples where necessary)
4. Notwithstanding plans, details of all boundary treatments and footway surfaces to be agreed
5. Foul and surface water to be drained on separate systems.
6. Surface water lifetime management and maintenance plan
7. Notwithstanding plans, no structures within 8m of an ordinary watercourse (the open/culverted watercourse)
8. Landscaping scheme to be provided
9. Bunding of tanks
10. Provision of adequate glazing and ventilation systems.
11. Scheme for noise mitigation to be submitted, agreed, implemented and maintained thereafter
12. Construction Management Plan, including a scheme for control of dust and agreed route for all construction vehicles.
13. Hours of construction - 0800 – 1800 Monday to Friday, 0800 – 1400 Saturday.
14. Landscaping scheme to be provided (including replacement hedge planting where possible)
15. Maintenance of visibility to level crossing, including existing level crossing signage
16. Bunding of tanks
17. Electric car charging points
18. Further conditions as required by County Highways – following report of their further comments.

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

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

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

**Human Rights Act**

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

**Background Papers**

None.

<p align="center"><b>Agenda Item</b></p> <p align="center">A12</p>	<p align="center"><b>Committee Date</b></p> <p align="center">11<sup>th</sup> January 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">15/01278/FUL</p>
<p align="center"><b>Application Site</b></p> <p align="center">Land at Coastal Road Bolton-le-Sands Lancashire</p>	<p align="center"><b>Proposal</b></p> <p align="center">Erection of 30 dwelling houses with associated access and landscaping</p>	
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Gary Middlebrook</p>	<p align="center"><b>Name of Agent</b></p> <p align="center">Mr Daniel Hughes</p>	
<p align="center"><b>Decision Target Date</b></p> <p align="center">26 January 2016</p>	<p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>	
<p><b>Case Officer</b></p>	<p>Mr Philip Megson</p>	
<p><b>Departure</b></p>	<p>No</p>	
<p><b>Summary of Recommendation</b></p>	<p>Approve subject to conditions</p>	

## **1.0 The Site and its Surroundings**

- 1.1 The site lies on the southern edge of Bolton-le-Sands. The site, approximately 1.29 hectares, is currently in agricultural use. The site comprises poor semi-improved grassland with stone walls, fences and hedges on its boundary.
- 1.2 The site is bordered to the North and West by residential use: 'The Orchards' is a housing development that is currently under construction (Ref: 13/00029/FUL). The southern and eastern boundaries of the site are marked by an existing hedgerow with trees. The Lancaster Canal, adjacent to the hedgerow, is 1.5m above the highest level of the site. The site slopes from the Canal embankment down towards Coastal Road (A5105). The Canal is a Biological Heritage Site.

## **2.0 The Proposal**

- 2.1 The proposed development comprises 30 two storey dwellings (two 1-bed, eleven 2-bed, one 3-bed and sixteen 4-bed) with associated access and landscaping. Access to the site would be taken from the access to the 'The Orchards' from Coastal Road. The dwellings would be orientated along a spine road running from West to East parallel to the Lancaster Canal. The houses on this phase are mainly repeats of the ones being used on Phase One. The proposed materials would be stone facing, artstone and render walls, Kentdale slate roof, and white uPVC windows. It is intended that each house also has the ability for a downstairs room to be converted into a ground floor bedroom as required by the Lifetime Homes standards.
- 2.2 It is proposed that separate foul and surface water drains are constructed. Surface water would be discharged into soakaways, the size and location of which would be subject to detailed design.
- 2.3 The proposed development would modify 'The Orchards' planning permission as follows:
- Plot 30 would be built over a turning circle; and
  - Plots 27, 28 and 29 build over land approved as open space.

Proposed amenity green space would amount to 610 square metres and children's play space would amount to 400 square metres in the proposed development. The amount of amenity green space

across the proposed development and 'The Orchards' (when combined) would amount to 1,630 square metres.

- 2.4 Existing hedgerows and trees on the important boundary to the Canal would be retained. All other hedgerows would be retained except that within Plot 3 (to the rear of three properties - 53, 55 and 57 fronting Coastal Road) which would be cut back. As originally proposed an existing hedge would be removed within the site to allow construction of the spine road. Following comments from the Council's Tree Protection Officer, the layout has been amended to enable this existing hedge to be retained where possible. It is proposed to plant 21 new trees generally located to either side of the spine road and courtyard parking at the southern end of the development.
- 2.5 Twelve dwellings would be offered as affordable housing, subject to viability, which would represent a 40% contribution. The 12 affordable dwellings (two 1-bed dwellings and ten 2-bed dwellings) would be located to the West of the site (plots 1 – 12 inclusive on Drawing No: 1833-010 rev P13) orientated around courtyard parking. The remaining houses would be located to the south of the spine road with gardens to the rear facing the Canal, except for one which is located to the north of the spine road. The affordable housing would use the same palette of materials as the market housing.
- 2.6 A link would be provided between Coastal Road and the Canal towpath to the South West of the site within the red edge. The connection to the Canal (approval 13/00029/FUL) is relocated to a position where an access with a gradient of less than 1:20 is possible to the towpath. The previous position featured a stepped access link to the Canal, which was not fully accessible.
- 2.7 There is a 6m 'no-build zone', which includes a 3m 'exclusion zone', adjacent to the towpath. A mature hedge punctuated by trees marks the edge of the towpath.

### **3.0 Site History**

- 3.1 There are two planning applications that are directly relevant to the development:

Application Number	Proposal	Decision
10/00830/OUT	Outline application for the erection of up to 77 dwellings and creation of new access onto Coastal Road	Approval subject to signing of a S106 agreement (subsequently not signed)
13/00029/FUL	Full application for erection of 37 dwelling houses with associated new access and landscaping	Refused, but Allowed on Appeal by Planning Inspectorate.

### **4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>No objection</b> - subject to conditions relating to the submission of a scheme for the construction of a canal pedestrian footway link prior to commencement of development; and the link to accord with the Specification for Construction of Estate Roads (LCC, 2011). No occupation of the units until the canal pedestrian footway link is constructed, completed and open for use.
Bolton le Sands Parish Council	<b>Comments</b> – The Parish Council's previous comments (13/00029/FUL) still apply. Those observations included reference to vehicle movements taking access from and egress to Coastal Road and drainage matters. A comment relating to the inclusion of the private road to Thortindale Cottage within the red-edge has been resolved by the applicant submitting a revised plan.
United Utilities PLC	<b>No objection</b> subject to conditions relating to: <ul style="list-style-type: none"> <li>Foul and surface water to be drained on different systems;</li> <li>Drainage to be carried out in accordance with principles set out the submitted</li> </ul>

	Drainage Strategy P5523 Issue 2 - dated 02/10/2015.
<b>Environment Agency</b>	<b>No observations.</b>
<b>Lead Local Flood Authority</b>	<b>No objections</b> subject to conditions relating to completion of Sustainable Urban Drainage Systems (SuDS) Scheme and Management and Maintenance Plan; submission of details for an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development; and attenuation tank to be constructed and operational prior to main construction phase/occupation.
<b>Environmental Health</b>	<b>No objection</b> subject to conditions relating to: <ul style="list-style-type: none"> <li>• Scheme for dust control – earth moving and construction activities</li> <li>• Hour of construction – 0800-1800 Monday to Friday and 0800- 1400 Saturday</li> <li>• Scheme for the control of noise and vibration</li> </ul>
<b>Strategic Housing Officer</b>	Comments to be reported verbally at the meeting.
<b>Planning Policy Team</b>	<p>The site is located in a settlement where the Council would look to promote residential development and is included within an allocated housing site within the adopted Local Plan. Whilst supporting in principle development you will need to be satisfied that the proposals meet the wider requirements of the Local Plan.</p> <p>Notwithstanding this assessment the Council's lack of a five year housing land supply is of course a consideration in the determination of this application. Opportunity to address this can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. It may be the case that this application could be supported on this basis provided of course that the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits of delivering much needed housing in the district.</p>
<b>City Contract Services</b>	No comments received.
<b>Greater Manchester Ecology Unit</b>	No significant ecological constraints were identified. No further survey information is required. The development would however have a negative ecological impact unless mitigation is provided. This currently does not appear to be being provided. Therefore they recommended that mitigation be provided adjacent to the Lancaster Canal within the 3m exclusion zone through planting of low growing shrubs species. This would strengthen the functionality of the wildlife corridor and provide adequate mitigation for the loss of hedgerow and low value grassland.
<b>Natural England</b>	Statutory Nature Conservation Sites: no objection. Protected species: refer to Standing Advice. Green Infrastructure: the site is in an area that Natural England considers could benefit from enhanced Green Infrastructure. Measures to enhance the biodiversity of the site and landscapes should be sought.
<b>Canal and River Trust</b>	No comments received.
<b>Lancaster Canal Trust</b>	The Trust seek to protect the mature hedge and trees which form the boundary between the rear gardens of the proposed houses and the canal towpath by constructing a 1.8m high close boarded fence. The Trust have requested a developer contribution of £8,000 - £10,000 towards repairs to the wash wall: and towpath maintenance works along the length of the site due to anticipated greater usage arising from the development.
<b>Public Realm Officer</b>	<p>[Background: Development Plots 27, 28 and 29 would build over land identified as public open space under 13/00029. The Public Realm Officer and the applicant agreed to consider the provision of amenity space over the proposed development and 13/00029/FUL]</p> <p>Having regard to Lancaster Open Space Provision within New Residential Developments, Planning Advisory Note and to Policy DM26 (DM DPD), an assessment of need identifies that the following would be required:</p> <ul style="list-style-type: none"> <li>• Amenity space of 1,236 square metres (658 square metres for phase 1 and 577.5 square metres for the proposed development);</li> <li>• On-site play area to be maintained through a management plan (not to be adopted by the Council)</li> </ul>



	<ul style="list-style-type: none"> <li>Off-site contribution of £24,216 (£14,920 for young people’s facilities and £9,276 to parks and gardens)</li> </ul> <p>The developer has advised the Council that maintenance of all the green spaces within the development would be through a Management Plan.</p>
<b>Tree Protection Officer</b>	The Tree Protection Officer objected to the proposals as originally submitted. The applicant has submitted amended plans, which has resulted in the Tree Protection Officer <b>withdrawing the objection</b> , subject to the imposition of conditions.
<b>The Wildlife Trust For Lancashire</b>	No comments received.
<b>Dynamo (Lancaster and District Cycle Campaign)</b>	<b>Object</b> on the grounds that it does not provide adequate cyclist and pedestrian access to the canal towpath. It appears that the plan has only one access route onto the towpath for cyclists and pedestrians. There should be access points at both ends of this strung-out development to facilitate and promote walking and cycling in line with the County Council's sustainable transport policy.

**5.0 Neighbour Representations**

5.1 At the time of writing, eight neighbour representations have been received objecting to the proposed development. These may be summarised as follows:

- Brownfield sites should be used in preference to greenfield sites.
- Visual impact of the proposed development from existing properties.
- Concerns about overlooking existing properties.
- Concerns about density of the proposed development in local context.
- Concerns over access to the Canal from the rear gardens of the proposed houses.
- Issues regarding the use and abuse of the Swing Bridge.

5.2 One of the representations sought clarification in respect of whether a private “lane” between the A5105 and the Lancaster Canal is included within the site, as thickness of the red edge on the location plan originally submitted lacked clarity. The applicant has confirmed that the private “lane” falls outside the site and they have now submitted a revised location plan.

**6.0 Principal National and Development Plan Policies**

6.1 NPPF:  
 Section 4 Sustainable Transport  
 Section 6 Choice of Homes (paragraphs 47, 49 and 55)  
 Section 11 Conserving and enhancing the natural environment (paragraph 109)

Lancaster Local Plan Saved Policies:  
 H5 Housing Development Sites  
 E4 Open Countryside

Lancaster Core Strategy Policies:  
 SC1 Sustainable Development  
 SC3 Rural Communities  
 SC4 Meeting the District’s Housing Requirements  
 SC5 Achieving Quality in Design

Lancaster Development Management DPD Policies:  
 NPPF1 Presumption in Favour of Sustainable Development  
 DM20 Enhancing Accessibility and Transport linkages  
 DM21 Walking and Cycling  
 DM22 Vehicle Parking provision  
 DM23 Transport Efficiency and Travel Plans  
 DM26 Open Space, Sports and Recreational Facilities  
 DM27 The Protection and Enhancement of Biodiversity  
 DM28 Development and Landscape Impact  
 DM29 Protection of Trees, Hedgerows and Woodland  
 DM35 Key Design Principles

DM36 Sustainable Design  
DM39 Surface Water Runoff and Drainage  
DM40 Protecting Water Resources  
DM41 Affordable Housing  
DM42 Managing Rural Housing Growth

## **7.0 Comment and Analysis**

7.1 The land to which the application was approved in outline subject to a S106 agreement (10/00830/OUT) which sought to establish the principle of developing this parcel of land for housing.

### Relationship between the proposed development and 13/00029/FUL

7.2 Planning application 13/00029/FUL proposed 37 dwellinghouses on land adjacent to the current application site. The application was recommended for approval by Officers but refused by the Planning Committee. On 14 February 2014, a Planning Inspector allowed the appeal, and awarded costs against the City Council for unreasonable behaviour in refusing the planning application.

7.3 In reaching the decision to allow the appeal, the Inspector concluded that the appeal site was a sustainable location adjacent to public transport links and close to village facilities. It had a longstanding housing allocation and reports demonstrated that a sustainable urban drainage system would adequately drain surface water. Whilst piecemeal development of the wider site was not ideal, the Inspector stated that there were no significant disbenefits of a phased approach. The development would accord with the NPPF's presumption in favour of sustainable development and the need to boost housing supply. Therefore the principle of developing the site identified within 13/00029/FUL was established.

7.4 There is some overlap between the proposed development and that approved by planning approval 13/00029/FUL in terms of the land forming the respective planning applications. Development would see Plot 30 build over a turning circle and Plots 27, 28 and 29 build over land identified as public open space.

7.5 The submitted Transport Statement illustrates, through a swept path analysis, that suitable turning is available for the proposed development and that approved under 13/00029/FUL.

7.6 Despite the loss of open space from that approved by 13/00029/FUL, the total amount of amenity space required by the *Lancaster Open Space Provision within New Residential Developments, Planning Advisory Note* is delivered across the proposed development and 13/00029/FUL. The request for an off-site contribution of £24,216 (£14,920 for young people's facilities and £9,276 to parks and gardens) has been agreed by the developer. The on-going maintenance of these areas can be dealt with by condition.

### Housing

7.7 It is considered that the proposed housing meets the criteria of Policy DM41. The density is appropriate to the local context of the site and the impacts of the development can be accommodated by existing infrastructure and services. The dwelling mix as described in Section 2 of this report is considered appropriate for the locality. The proposed materials would match the materials as approved for the first phase of the site (13/00029/FUL and Discharge of Conditions approval 14/00061/DIS).

7.8 The proposed affordable housing contribution of twelve dwellings (two 1-bed dwellings and ten 2-bed dwellings) meets the required contribution in Policy DM41 for a 40% affordable housing contribution on a greenfield site in a rural location. At the time of writing the Strategic Housing Officer has not commented on the planning application, however, the adopted *Meeting Housing Needs SPD* has a district-wide affordable target of 50% rented and 50% intermediate. The comments of the Strategic Housing Officer will be reported verbally at Committee.

7.9 Due to the sloping nature of the site, the applicant has submitted indicative finished floor levels and road levels. The final levels will be determined by Structural and Civil Engineers. Details of finished floor levels and road levels will be controlled by an appropriate condition.

## Impact on the Lancaster Canal

- 7.10 A Canal Bank Inspection Report has been submitted in support of the planning application. On the basis of a walkover inspection of the north bank of the Canal, the inspection concluded that the embankment is in stable condition with no significant structural issues currently evident; and that there is no evidence of leakage from the Canal on to the application site. The Report notes that the embankment is heavily vegetated and that the roots to existing bushes and shrubs are believed to be adding stability and should therefore be maintained. The applicant is proposing to retain the existing hedging and planting to the Canal side.
- 7.11 The Lancashire Canal Trust seek to protect the mature hedge and trees which form the boundary between the rear gardens of the proposed houses and the Canal towpath. The Trust is concerned that within a short time, the owners will create their own access to the towpath through the hedge, eroding the banking and cutting back the screening vegetation. In response to this comment (and comments made in neighbour representations) the applicant has agreed to construct a 1.8m high close boarded fence along the rear boundary of the proposed gardens to protect the integrity of the Canal embankment.
- 7.12 The canal link path, described in paragraph 2.6, will be provided and a planning condition will ensure that this link is open and operational prior to first occupation of any of the dwellings subject to the current application.

## Traffic and Highway Matters

- 7.13 The proposal would utilise the recently constructed access off Coastal Road to serve the proposed dwellings (Swallow Court). This is a privately-maintained road and so would not be adopted under Section 38 of the Highways Act.
- 7.14 County Highways have no objections to the scheme. They advise that no surface water be permitted to discharge into existing sewerage systems. They also provide advice regarding the surface of the proposed footway link to the canal (a hard surface is recommended). Finally, they raise the point that there may be overflow vehicle parking on Swallow Court, but that this would have "little or no significant bearing on the surrounding public highway network". The proposed car parking is considered to accord with DM DPD Policy DM22.

## Impact on wildlife

- 7.15 An Ecological Appraisal was submitted with the planning application. No significant ecological constraints were identified. The Appraisal recommends the following measures:
- Badgers: precautionary mitigation is considered appropriate during construction. The landscaping scheme should include species such as Apple or other fruit trees which would provide a food source in winter.
  - Bats: ensuring that the foraging habitat on site is for use by bats during development.
  - Birds: precautionary mitigation is considered appropriate. The landscaping scheme should include species such as rowan which are seed bearing and would provide food for birds in the winter.
  - Otters: precautionary mitigation would be appropriate in respect of construction activities which would need to be restricted at night.
- 7.16 The Local Planning Authority's ecology adviser notes that the development would result in the loss of around 1.3 ha of ecologically low value semi-improved grassland and it appears around 80-90m of hedgerow. No mitigation is being offered/provided. Without mitigation or compensation the development would be contrary to section 109 of the NPPF. It is recommended that mitigation be provided adjacent to the Lancaster Canal within the 3m exclusion zone through planting of low growing shrubs species. This would strengthen the functionality of the wildlife corridor and provide adequate mitigation for the loss of hedgerow and low value grassland. Details of mitigation of ecology impacts can be secured by planning condition.

## Other matters

- 7.17 Canal Towpath: Dynamo (The Lancaster and District Cycle Campaign) consider that there should be access to the Canal Towpath both ends of the proposed development. The pedestrian and cycling connection to the Canal under planning approval 13/00029/FUL featured a stepped access link to the Canal, which was not fully accessible. A second pedestrian and cycling connection to the Canal towpath would need to be a stepped access due to the gradient. For pedestrians and cycle users such an arrangement would be less than ideal. The proposed connection would have a gradient of less than 1:20 and be fully accessible to pedestrians and cyclists. The additional distance to cyclists seeking to gain access to the towpath from the northern end of the development would be lengthened but not unreasonably so.
- 7.18 The Lancaster Canal Trust have requested a financial contribution of approximately £8,000 - £10,000 towards repairs to the wash wall and towpath maintenance works along the length of the site. The Trust argue that the contribution is justified due to anticipated greater usage arising from the development. It is considered that because the proposed works have not been fully-costed a developer contribution should not be sought. Additionally, the other planning contribution matters listed below (affordable housing, open space and play area) are considered to be the primary obligation matters relating to the proposal.

## **8.0 Planning Obligations**

- 8.1 The following Section 106 contributions are required to make the development acceptable in planning terms:
- 40% affordable housing comprising 12 affordable dwellings (two 1-bed dwellings and ten 2-bed dwellings).
  - Off-site contributions as required by the *City Council's Open Space Contributions from Residential Development Planning Advisory Note (June 2015)*. The following contributions apply: £14,920 for young people's facilities and £9,276 to parks and gardens

## **9.0 Conclusions**

- 9.1 The land to which the application was approved in outline subject to a S106 agreement (10/00830/OUT) sought to establish the principle of developing this parcel of land for housing. Phase 1 of the development of the site ('The Orchards') is currently under construction (13/00029/FUL) and the Planning Inspector's report makes clear that the wider location at this Coastal Road site is suitable for the delivery of housing.
- 9.2 It is considered that material considerations arising from the proposed development have been satisfactorily addressed, and this latest development of the wider site can now be supported.

## **Recommendation**

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

1. Standard time condition.
2. List of approved plans.
3. All external materials to be agreed (samples where necessary)
4. All boundary treatments and footway surfaces to be agreed
5. No development shall commence until details of finished floor levels and road levels have been submitted and approved.
6. No development shall commence until a scheme for the control of all dust arising from demolition, site clearance and construction has been submitted and approved.
7. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted and approved.
8. No development shall commence until an Ecology Management Plan, including mitigation measures has been submitted and approved.
9. No development shall commence until a scheme for the control of noise and vibration during site preparation and construction has been submitted and approved.
10. No development shall commence until details of the hard and soft landscaping of the site have been submitted and approved. If trees/hedgerows are identified for removal, replacement planting will be

required at a minimum ratio of 3:1 (3 new trees for each tree removed or damaged). The approved scheme shall be maintained for a period of not less than 10 years.

11. No occupation of development until completion of SUDS in accordance with agreed SUDS Scheme and Management and Maintenance Plan.
12. Public Realm Management and Maintenance Plan to be agreed and implemented.
13. Attenuation tank to be constructed and operational prior to main construction phase / occupation.
14. Standard unforeseen contamination condition (as per condition 4 on the approval for 13/00029/FUL).
15. Hours of construction: 0800-1800 Monday to Friday, and 0800-1400 on Saturdays.
16. The development shall be carried out in accordance with the submitted Tree Protection Plan and Arboriculture Method Statement (AMS) (August 2015).
17. The development shall be carried out in accordance with the approved Tree Survey, dated August 2015.

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

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

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

### **Human Rights Act**

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

### **Background Papers**

None.

<p align="center"><b>Agenda Item</b></p> <p align="center">A13</p>	<p align="center"><b>Committee Date</b></p> <p align="center">11<sup>th</sup> January 2016</p>	<p align="center"><b>Application Number</b></p> <p align="center">15/01512/LB</p>
<p align="center"><b>Application Site</b></p> <p align="center">15 Middleton Road Heysham Morecambe Lancashire</p>		<p align="center"><b>Proposal</b></p> <p align="center">Listed Building Application for the new window arrangement on the south elevation, installation of a flue, re-instatement of chimney pots to existing stacks, installation of double sided fireplace including the removal of the back of the fireplace, and removal of internal walls with the insertion of steel beams and relocation of internal doors on the ground floor</p>
<p align="center"><b>Name of Applicant</b></p> <p align="center">Mr Stuart Bateson</p>		<p align="center"><b>Name of Agent</b></p> <p align="center">Mr David Shepherd</p>
<p align="center"><b>Decision Target Date</b></p> <p align="center">25 January 2016</p>		<p align="center"><b>Reason For Delay</b></p> <p align="center">None</p>
<p><b>Case Officer</b></p>		<p>Mr Andrew Clement</p>
<p><b>Departure</b></p>		<p>No</p>
<p><b>Summary of Recommendation</b></p>		<p>Approval subject to conditions</p>

**(i) Procedural Matters**

This application would normally be considered under delegated powers. However the applicant is a City Councillor, and therefore the application must be determined by Planning Committee.

**1.0 The Site and its Surroundings**

1.1 The application relates to a residential dwelling previously converted from the former lodge/gate house to Heysham Hall. The property is a grade II listed building, constructed of squared sandstone walls over two storeys under a slate roof.

**2.0 The Proposal**

2.1 The application proposes external developments for the installation of a flue, re-instatement of five roll top chimney pots to existing stacks and a new extended height window in the former garage opening on the ground floor south facing elevation. Internally, the application seeks listed building consent for the removal of the back of the fireplace and internal walls on the ground floor, to be replaced by a double sided fireplace, insertion of a steel beams and the relocation of internal doors.

**3.0 Site History**

3.1 The only previous planning application for a satellite antenna in 2011 (Ref: 11/00564/LB) was withdrawn.

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	No observations received
Conservation Section	No objections subject to a condition for the finish of the new flue pipe

## **5.0 Neighbour Representations**

5.1 None to date, site notice expires on 5<sup>th</sup> January 2016 and advertisement publication expires on 1<sup>st</sup> January 2016.

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

6.1 National Planning Policy Framework (NPPF)  
**Paragraph 17** – Core planning principles  
**Section 7** – Requiring Good Design  
**Section 12** – Conserving and Enhancing the Historic Environment

6.2 Listed Building and Conservations Area Act 1990  
**Section 7** – Restriction on Works Affecting Listed Buildings  
**Section 17** – Power to Impose Conditions on Grant of Listed Building Consent

6.3 Development Management DPD  
**DM30** – Development Affecting Listed Buildings  
**DM35** – Key Design Principles

6.4 Lancaster District Core Strategy (adopted July 2008)  
**E1** – Environmental Capital

## **7.0 Comment and Analysis**

7.1

- Principle of the Development
- Scale, Design and Landscape Impact on the Character of the Listed Building

7.2 Principle of the Development

The proposed interior development is to remove walls around an internal storage area and remove the back of the fireplace to create a double sided fireplace, larger kitchen area and relocate internal doors. The external alterations propose to extend the height of the window to the ground floor bedroom, reinstate five chimney pots and install a flue from a lean to roof of the ground floor store room for the relocated boiler. The principle of the development to a residential dwelling is consistent with DM35 and NPPF Paragraph 17 and Section 7.

7.3 Scale, Design and Landscape Impact on the Character of the Listed Building

The internal alterations proposed will remove the walls surrounding the internal storage area, increasing the size of the kitchen. The double sided fireplace, created by removing the fireplace back wall, will be visible from both the lounge and kitchen. The relocation of internal doors and addition of steel beams are required to facilitate these internal alterations. The conservation section have concluded that these internal developments will not unduly detract from the character or significance of the listed building.

7.4 The proposed alterations to reinstate the five new roll top chimney pots on the existing chimney stacks would be an enhancement to the listed building. This is also the case for the extended height bedroom window, which will retain the existing lintel and introduce new matching stone cill and mullions in a former garage opening, therefore not affecting the original stonework of the listed building. The proposed flue will protrude from the lean to roof of the externally accessed single storey store room to facilitate the relocated boiler. Although this represents new development to the exterior of the listed building, the proposed new flue is in a relatively concealed location in close proximity to outbuildings of neighbouring properties sited on a higher topography. With a condition to control the external finish of the proposed flue pipe, this development is considered acceptable.

7.5 The proposed works to the listed building are considered to be proportionate and of a sympathetic design to the listed building. The majority of the works are visually contained, and the most prominent external alterations will enhance the listed building. The developments are seen to comply with DM30, DM35 and NPPF paragraph 17, Section 7 and 12. This view is shared by the Conservation Section.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 In conclusion, it is considered that the proposed works will not adversely affect the character of the listed building and will comply with the requirements of Policy DM30 of the Development Plan Document. Furthermore the scheme has been assessed against paragraph 134 of the National Planning Policy Framework and is considered to be acceptable. As such, the Members are advised that this scheme can be supported subject to a condition to control the external finish of the proposed flue pipe.

## **Recommendation**

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

1. ST02 – Standard 3 year timescale
2. ST08 - Development to be carried out in accordance to approved plans
3. Finish of flue pipe in matt black colour

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

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

## **Human Rights Act**

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

## **Background Papers**

None



<b>Agenda Item</b> A14	<b>Committee Date</b> 11 January 2016	<b>Application Number</b> 15/01520/FUL
<b>Application Site</b> 10 Plover Drive Heysham Morecambe Lancashire	<b>Proposal</b> Erection of a single storey front, side and rear extension	
<b>Name of Applicant</b> Ms K. Haddon	<b>Name of Agent</b> Building Plan Services	
<b>Decision Target Date</b> 28 January 2016	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Robert Clarke	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, the applicant is an employee of Lancaster City Council, and as such the 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 is a semi-detached two-storey property situated on the west side of Plover Drive. The avenue forms part of a modern open plan residential housing estate in the southern part of Heysham. The property is of red brick construction under grey concrete roof tiles. The windows have white uPVC frames.
- 1.2 The properties in the surrounding area are of a similar age and style and are finished with similar materials to that of the subject property. Many properties have front and side driveways which provide off-street parking.
- 1.3 The site is unallocated in the Lancaster District Local Plan proposals map.

**2.0 The Proposal**

- 2.1 The application proposes the erection of a single-storey side and rear extension. The side extension will extend from the northern elevation of the dwelling up to a maximum of 2.9m. It will also extend forward of the front elevation by 0.7m and a canopy will be constructed across linking with the existing porch. The north elevation of the extension will have a maximum length of 11.98m. The rear extension will extend up to a maximum of 3m from the rear elevation and have a maximum width of 7.7m. The proposed wrap around extension will have a lean to style roof with a maximum height of 3.7m.

**3.0 Site History**

- 3.1 There is no relevant planning history.

**4.0 Consultation Responses**

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

Consultee	Response
Parish Council	No response received
County Highways Department	No objection

**5.0 Neighbour Representations**

5.1 No responses received.

**6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

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

6.2 Development Management DPD

**DM22** – Vehicle parking provision  
**DM35** – Key design principles

6.3 Lancaster District Core Strategy (adopted July 2008)

**SC1** – Sustainable development  
**SC5** – Achieving quality in design

**7.0 Comment and Analysis**

7.1 The key considerations in the assessment of this application are:

- General design and impact on street scene
- Impacts upon residential amenity
- Vehicle parking provision and highway matters

7.2 General design and impact on street scene

The construction of a canopy to the front elevation, which extends from the side extension is seen to effectively marry the extension to the original dwelling. Furthermore, the proposed materials and the use of a lean-to roof is seen to maintain the appearance of the original dwelling. It is deemed that through subservient design and appropriate materials the scheme represents a congruent and acceptable form of development that respects the wider street scene.

7.3 Impacts upon residential amenity

The dwelling is enclosed by a 2m high close-boarded panel fence to the rear and side of the property which is seen to ensure acceptable levels of privacy are maintained for the properties private amenity space and that of nearby occupiers. It is considered that due to the location of neighbouring dwellings, the use of high level windows and intervening boundary treatments, the development will not detrimentally impact residential amenity. Furthermore, the scale of the development ensures that sufficient residual private amenity space is maintained.

7.4 Vehicle parking provision and highway matters

The development will include an attached garage which will maintain a parking space behind the building line, furthermore, the driveway provides a further parking space. As such the development is seen to be acceptable in terms of its impacts on parking provision.

**8.0 Planning Obligations**

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

**9.0 Conclusions**

9.1 The proposed scheme is seen to be acceptable and congruent in terms of design and the amenities of neighbouring residents. Furthermore, the proposed development is seen to be acceptable in terms of its impacts upon vehicle parking and highway matters. In respect of these matters, the development is in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

**Recommendation**

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

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

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

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

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

**Human Rights Act**

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

**Background Papers**

None

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
15/00134/DIS	Lancaster Leisure Park Ltd, Wyresdale Road, Lancaster Discharge of conditions 3, 11, 13, 14, 18, 21, 24 and 26 on approved application 12/01109/FUL for Mr James Carman (John O'Gaunt Ward)	Initial Response Sent
15/00138/DIS	Tramway Hotel, 127 St Leonards Gate, Lancaster Discharge of condition 3 on planning permission 14/00804/LB for Mr Mustaq Mister (Bulk Ward)	Request Completed
15/00160/DIS	George Hotel Car Parking Area, 302 Lancaster Road, Morecambe Discharge of conditions 3, 6 and 11 on approved application 13/01154/FUL for Mr Lee Ogley (Torrisholme Ward 2015 Ward)	Request Completed
15/00174/DIS	Land To The Rear, 71 Hornby Road, Caton Discharge of conditions 3, 4, 5 and 6 on previously approved application 15/00305/REM for Mr J Meadowcroft (Lower Lune Valley Ward 2015 Ward)	Request Completed
15/00176/DIS	George Hotel , 302 Lancaster Road, Morecambe Discharge of conditions 4, 7, 9 & 10 on approved application no. 13/01154/FUL for Mr Lee Ogley (Torrisholme Ward 2015 Ward)	Initial Response Sent
15/00181/DIS	Land Adjacent Walnut Gate, Bailrigg Lane, Lancaster Discharge of conditions 4, 5, 6, 8, 9, 10, 11, 12 and 13 on application 15/00357/FUL for Mr & Mrs T+S Mc Minnis (University And Scotforth Rural Ward)	Request Completed
15/00182/DIS	Addington Lodge, Addington Road, Nether Kellet Discharge of conditions 5, 7, 8, 9 and 10 on planning permission 14/00492/FUL for W A Agriculture (Kellet Ward 2015 Ward)	Application Permitted
15/00184/DIS	Grove Street Depot, Grove Street, Morecambe Discharge of condition 3 and 5 on application 15/00892/VCN for Mr Brian Wood (Harbour Ward 2015 Ward)	Application Permitted
15/00187/DIS	Lancaster Moor Hospital Annex, Quernmore Road, Lancaster Discharge of condition 4 on application 14/00661/LB for Mr Andrew McMurtrie (Bulk Ward)	Application Permitted
15/00187/VCN	Red Court Caravan Park, Lancaster Road, Carnforth Retention of land as caravan park for 3 residential and 14 static holiday caravans (pursuant to the variation of conditions 2 and 3 on planning permission 77/900 to improve road layout and reduce caravan units from 11 to 9) for Mr John McCarthy (Carnforth Ward)	Application Permitted
15/00197/DIS	Post Horse Barn, Post Horse Lane, Hornby Discharge of conditions 4 and 7 on application 15/00755/CU for Mr & Mrs M Whitaker (Upper Lune Valley Ward 2015 Ward)	Initial Response Sent

## LIST OF DELEGATED PLANNING DECISIONS

15/00200/DIS	Carus Lodge, Main Street, Arkholme Discharge of condition 6 relating to sample of stone for approved application 15/01189/FUL for Mr Graham Atkinson (Kellet Ward 2015 Ward)	Request Completed
15/00201/DIS	29 Coolidge Avenue, Lancaster, Lancashire Discharge of condition 1 on application 15/00841/FUL for Mr Tony Stoney (Marsh Ward 2015 Ward)	Request Completed
15/00205/DIS	Brow House, Strait Lane, Abbeystead Discharge of condition 8 in relation to tree planting scheme on previously approved application 15/00650/FUL for Mr Richard Farnhill (Ellel Ward 2015 Ward)	Initial Response Sent
15/00323/FUL	Land To The Rear Of , Sunacre Court, Maple Avenue Erection of a 2-storey block of four flats and a pair of 2-storey semi-detached dwellings with associated access and parking for Mr Andrew Sheerin (Heysham North Ward)	Application Permitted
15/00637/PLDC	31 Sizergh Road, Morecambe, Lancashire Proposed lawful development certificate for a hip to gable extension to the rear elevation and construction of a dormer window to the side elevation for Mrs S. Arkwright (Torrisholme Ward)	Lawful Development Certificate Granted
15/00645/CU	Wickes Car Parking Spaces, Sunnyclyff Retail Park, Mellishaw Lane Retrospective change of use of land for the siting of a portable building for Cash 4 Clothes (Scotland) Ltd (Westgate Ward)	Application Refused
15/00706/OUT	Former Church Hall, Land North Of, Yenham Lane Outline application for the demolition of existing church hall and erection of a new dwelling for Mr J Robb (Overton Ward)	Application Refused
15/00757/ADV	Lancaster And Morecambe College, Morecambe Road, Lancaster Advertisement application for the display of externally illuminated totem signage and wall fixed signage for Mrs Louise Evans (Torrisholme Ward)	Application Permitted
15/00919/FUL	289 Marine Road Central, Morecambe, Lancashire Retrospective application for the retention of a dormer window to the front elevation for Mr Neil Palamountain (Poulton Ward)	Application Refused
15/00943/FUL	1 Hatlex Drive, Hest Bank, Lancaster Erection of a detached garage and increasing the height of the eaves on the north east elevation for Mr Michael Bird (Slyne With Hest Ward)	Application Refused
15/01048/FUL	19 McDonald Road, Heysham, Lancashire Erection of a block of four garages and associated turning area for Mr Robert Hill (Overton Ward)	Application Permitted
15/01070/ELDC	Burnside, Procter Moss Road, Ellel Existing Lawful Development Certificate for the use of agricultural workers dwelling to be used as unfettered residential dwelling for Miss Victoria Isobel Mather (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
15/01071/FUL	Greenfield, Borwick Station Lane, Borwick Retention of existing static caravan, attached lean-to and a sand paddock for Miss Rebecca Dowdall (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/01100/VCN	119 Main Road, Bolton Le Sands, Lancashire Construction of 12 apartments (pursuant to the variation of condition 1 on planning permission 15/00432/VCN to amend the design) for Daffodil Homes Ltd (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01104/CU	12 Spring Garden Street, Lancaster, Lancashire Change of use from a restaurant (A3) to assembly and leisure (D2) for The Shlomo Memorial Fund Ltd (Castle Ward 2015 Ward)	Application Permitted
15/01111/CU	Crookhey Hall Special School, Garstang Road, Cockerham Retrospective application for the change of use of land for the siting of a container for Crookhey Hall School (Ellel Ward 2015 Ward)	Application Permitted
15/01118/FUL	1 Cove Road, Silverdale, Carnforth Erection of a front porch and single storey side extension for Mr & Mrs I & C Cockburn (Silverdale Ward 2015 Ward)	Application Permitted
15/01131/FUL	17 Sunningdale Avenue, Hest Bank, Lancaster Retrospective application for the retention of dormer windows to front and rear elevations for Ms P Stevenson (Bolton And Slyne Ward 2015 Ward)	Application Withdrawn
15/01133/CU	Thwaite End Barn, Main Road, Bolton Le Sands Change of use of stables to holiday cottage (C3) for Mr W Mason (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01150/FUL	Moss Edge Farm, Gulf Lane, Cockerham Erection of an agricultural machinery storage building for Mr Robert Holmes (Ellel Ward 2015 Ward)	Application Permitted
15/01196/FUL	Phillips House, Woodman Lane, Cowan Bridge Erection of a single storey side extension for Mr Philip Armstrong (Upper Lune Valley Ward 2015 Ward)	Application Permitted
15/01201/ELDC	Lydon House, Potters Brook, Ellel Existing lawful development certificate for the use of the cottages as 4 permanent residential properties without holiday restriction for Mr Russell Sanderson (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
15/01204/CU	Travelodge, 57 Euston Road, Morecambe, Lancashire Change of use of vacant retail unit (A1) to restaurant/cafe/hot food takeaway (A3/A5) for Mr Paul Wright (Poulton Ward 2015 Ward)	Application Permitted
15/01212/FUL	Gallows Clough, Abbeystead Road, Abbeystead Demolition of existing single storey side extension and erection of a two storey side extension, erection of a two storey front extension, construction of a chimney to the side elevation and installation of a replacement pitched roof to the rear for Grosvenor Estate (Ellel Ward 2015 Ward)	Application Permitted
15/01218/FUL	Lancaster Volkswagen, Vickers Way, Heaton With Oxcliffe Installation of 2.4m high security fencing and double gates and creation of hardstanding to form a car storage compound for Cox Motor Group (Westgate Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/01224/CU	2 Norton Road, Heysham, Morecambe Change of use from financial and professional services (A2) to design studios with occasional classes(B1/D1) and a 1 bedroom self contained ancillary accommodation for Ms Jennifer Ashworth (Heysham North Ward 2015 Ward)	Application Permitted
15/01231/FUL	90 South Road, Morecambe, Lancashire Demolition of existing front porch and bay window and erection of a replacement porch, erection of a 2 storey side extension and single storey side extension, and removal of front facing gable and cat-slide roof to form new roof arrangement and installation of a replacement flat roof on the existing single storey rear extension. for Mr J. Crookall (Bare Ward 2015 Ward)	Application Permitted
15/01240/CU	Dam Head Farm, Procter Moss Road, Ellel Change of use of barn to a 4-bed dwelling and 4-bed holiday cottage for Mr J Fox (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn
15/01241/LB	Dam Head Farm, Procter Moss Road, Ellel Listed building application for works to facilitate the change of use of barn to a 4-bed dwelling and 4-bed holiday cottage for Mr J Fox (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn
15/01242/FUL	Intack Farm, Long Dales Lane, Nether Kellet Erection of an agricultural livestock building for Mr E Ward (Kellet Ward 2015 Ward)	Application Permitted
15/01248/FUL	Field At E347994 468542, Mill Lane, Bolton Le Sands Retrospective application for the erection of an agricultural field shelter with associated hardcore area for Ms Ailsa Gibson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01255/LB	Post Office And Stores, Main Street, Wray Listed building application for the fixing of a sign to the front elevation for Mr R Nixon (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01258/FUL	Cathedral School , Balmoral Road, Lancaster Removal of an existing gate and construction of new fencing and gate to extend the early years play area for Ms Kelly Hannah (John O'Gaunt Ward 2015 Ward)	Application Permitted
15/01259/LB	Cathedral School , Balmoral Road, Lancaster Listed building application for removal of an existing gate and construction of new fencing and gate to extend the early years play area for Ms Kelly Hannah (John O'Gaunt Ward 2015 Ward)	Application Permitted
15/01270/FUL	25 Heysham Park, Heysham, Morecambe Erection of a single storey side extension for Mr Neil Kelly (Heysham South Ward 2015 Ward)	Application Permitted
15/01271/CU	40 Northumberland Street, Morecambe, Lancashire Change of use from guest house/owners accommodation (C1/C3) to a single dwellinghouse (C3) for Mr & Mrs I Wright (Poulton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/01272/CU	Miaitalia, Hawthorne House, Bye-pass Road Erection of a 2-bed dwelling and change of use of flat (C3) to office (B1) with associated parking for Mr Waddington (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01279/FUL	19 Merefell Road, Bolton Le Sands, Carnforth Erection of a single storey rear extension and raised patio to the rear for Mr Robert Leigh (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01284/OUT	Hillam Farm, Hillam Lane, Cockerham Outline application for demolition of existing dwelling, erection of a replacement dwelling and installation of a septic tank for Mr David Winder (Ellel Ward 2015 Ward)	Application Permitted
15/01285/CU	Hillam Farm, Hillam Lane, Cockerham Change of use of agricultural land to domestic garden for Mr David Winder (Ellel Ward 2015 Ward)	Application Permitted
15/01289/ADV	Marketgate Centre , Marketgate, Lancaster Advertisement application for the display of an externally illuminated fascia sign, and non-illuminated signage of 5 fascia signs, one parking entrance sign, 63 parking signs, 19 direction wall signs, 5 wall signs, 4 display cases and 4 hanging signs for Ms Lynn Ison (Castle Ward 2015 Ward)	Application Permitted
15/01296/FUL	Regent Leisure Park , Westgate, Morecambe Erection of a single storey extension to existing reception/leisure building, installation of a raised terrace and pergola and creation of an area of hardstanding for Mr Stephen Mills (Westgate Ward 2015 Ward)	Application Permitted
15/01297/FUL	10 Redruth Drive, Carnforth, Lancashire Erection of a first floor extension over existing garage, new single storey front extension, infill of existing passageway and erection of a detached double garage for Mr J Wolfenden (Carnforth And Millhead Ward 2015 Ward)	Application Refused
15/01305/LB	Brookside Cottage, Kellet Road, Over Kellet Listed building application for the erection of a two storey side extension and a single storey side porch for Mr Steve Woods (Kellet Ward 2015 Ward)	Application Permitted
15/01310/RCN	Scale House Farm, Conder Green Road, Galgate Change of use and conversion of existing redundant barn to create 4 self contained holiday accommodation (C3) and conversion of existing outbuilding to create external storage area (pursuant to the variation of condition 17 and removal of conditions 18 and 19 on planning permission 14/00784/CU in relation to the curtilage and to allow the holiday units to be used as unfettered residential dwellings) for Mr & Mrs Wilson (Ellel Ward 2015 Ward)	Application Refused
15/01311/FUL	Heysham Power Station, Princess Alexandra Way, Heysham Erection of a single storey extension to the existing laboratory to form a visitor waiting area for Mr Glen McMurray (Overton Ward 2015 Ward)	Application Permitted



LIST OF DELEGATED PLANNING DECISIONS

15/01320/FUL	1 Birch Avenue, Galgate, Lancaster Partially retrospective application for the demolition of an attached garage and erection of a replacement single storey side extension for Mr & Mrs P. Garner (Ellel Ward 2015 Ward)	Application Permitted
15/01321/FUL	32 Tarbet Street, Lancaster, Lancashire Construction of a dormer window to front elevation and a second floor extension to the rear with balcony door for Mr A Steele (John O'Gaunt Ward 2015 Ward)	Application Permitted
15/01340/ADV	20 Mannin Way, Lancaster, Lancashire Advertisement application for the display of internally illuminated lettering for Mr Jeff Bellamy (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01349/FUL	46 The Roods, Warton, Carnforth Demolition of existing garage and erection of a replacement 2-storey side extension, single storey front extension, construction of dormer windows to the front and rear elevations and construction of a balcony to the rear elevation for Mrs Jane Kaill (Warton Ward 2015 Ward)	Application Permitted
15/01350/FUL	Larbreck, Wyresdale Road, Quernmore Erection of a first floor extension above existing garage, raising the existing pitched roof and construction of a dormer window to the rear elevation for Mr Mark Latham (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01361/FUL	Unit 2, Bay Horse Workshops, Bay Horse Erection of a canopy over front forecourt for Mr K Wood (Ellel Ward 2015 Ward)	Application Permitted
15/01376/PLDC	Station House, Kirkby Lonsdale Road, Arkholme Proposed lawful development certificate for the siting of a static caravan for the purposes incidental to Station House for Mr Simon Acomb (Kellet Ward 2015 Ward)	Lawful Development Certificate Granted
15/01385/FUL	20 Hest Bank Road, Morecambe, Lancashire Erection of a single storey side extension and two storey rear extension and amendments to the front elevation bay windows. for Mr M Newton (Bare Ward 2015 Ward)	Application Permitted
15/01386/FUL	1 Moon Bay Wharf, Heysham, Morecambe Removal of one garage door and installation of a new door and window for Mr Walter Audley (Heysham South Ward 2015 Ward)	Application Permitted
15/01387/LB	Old Hall Cottages , Kellet Road, Over Kellet Listed Building application to remove a section of chimney breast in Cottage 2 to form a door opening for Mr G B Metcalfe (Kellet Ward 2015 Ward)	Application Permitted
15/01388/FUL	48 King Street, Lancaster, Lancashire Construction of a replacement pitched roof to existing outbuilding for Mr Gary Tang (Castle Ward 2015 Ward)	Application Permitted
15/01389/LB	48 King Street, Lancaster, Lancashire Listed building application for the construction of a replacement pitched roof, removal of external door, installation of a replacement window and boiler flue, and fixing of plasterboard to internal walls for Mr Gary Tang (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

15/01391/FUL	Lane House Farm, Brookhouse Road, Brookhouse Conversion of garage to create additional living accommodation for Mr Stuart Cornthwaite (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01392/FUL	56 - 58 King Street, Lancaster, Lancashire Creation of doorway and installation of timber door in place of existing window on side elevation for Mr James Thoms (Castle Ward 2015 Ward)	Application Permitted
15/01401/FUL	70 Sunnybank Road, Bolton Le Sands, Carnforth Erection of a front porch for Mr D. Johnson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01402/PAD	Deys Farm, Quernmore Road, Quernmore Prior approval for the demolition of agricultural buildings for Mr Coward (Lower Lune Valley Ward 2015 Ward)	Prior Approval Is Required
15/01409/FUL	16 Peacock Lane, Hest Bank, Lancaster Conversion of integral garage to create additional living accommodation and erection of a pitched canopy to front elevation for Ms S Nicholson and Mr L Jones (Bolton And Slyne Ward 2015 Ward)	Application Permitted
15/01418/FUL	12 Westbourne Road, Lancaster, Lancashire Erection of a cantilevered first floor rear extension for Mr John Roff (Castle Ward 2015 Ward)	Application Permitted
15/01422/PLDC	38 Pennine View, Morecambe, Lancashire Proposed lawful development certificate for the installation of two pairs of rooflights and insertion of a window on the side elevation for Mr E. Swindell (Harbour Ward 2015 Ward)	Lawful Development Certificate Granted
15/01426/FUL	16A Belle Vue Drive, Lancaster, Lancashire Installation of a cantilevered bay window to the front elevation for Mr R Geyer (Scotforth West Ward 2015 Ward)	Application Permitted
15/01429/FUL	187 Willow Lane, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr & Mrs I Hatfield (Marsh Ward 2015 Ward)	Application Permitted
15/01431/AD	Meadow Court, Tarnwater Lane, Ashton With Stodday Agricultural Determination for the erection of a haystore for Mr Michael Glasgow (Ellel Ward 2015 Ward)	Prior Approval Not Required
15/01463/FUL	222 Lancaster Road, Morecambe, Lancashire Erection of a first floor extension over existing single storey rear extension for Mr & Mrs L. Winward (Bare Ward 2015 Ward)	Application Refused
15/01464/FUL	1 Hackinghurst Cottages, Wyresdale Road, Quernmore Erection of single storey extensions to existing outbuilding to form a single garage for Mr D Fawcett (Lower Lune Valley Ward 2015 Ward)	Application Permitted
15/01465/NMA	Fanny House Farm, Oxcliffe Road, Heaton With Oxcliffe Non-material amendment on planning permission 15/00243/FUL to change the design and layout for Novus Solar Developments Ltd (Heysham South Ward 2015 Ward)	Application Permitted

## LIST OF DELEGATED PLANNING DECISIONS

15/01499/AD	Land Adjacent To Lower Locka Wood, Locka Lane, Arkholme Erection of an agricultural building for Mr Mark Townley (Kellet Ward 2015 Ward)	Prior Approval Not Required
15/01519/PLDC	12 Homfray Avenue, Morecambe, Lancashire Proposed lawful development certificate for hip to gable extension with dormer to rear for Mr & Mrs D. Finnerty (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted